

Harwich Planning Board Agenda
Tuesday, January 12, 2021 – 6:30 PM

Town Hall, 732 Main Street, Harwich

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

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

<https://global.gotomeeting.com/join/844379637>

You can also dial in using your phone.

United States: [+1 \(646\) 749-3122](tel:+16467493122)

Access Code: [844-379-637](tel:+16467493122)

- I. CALL TO ORDER** Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.
- II. JOINT PUBLIC HEARING – PURSUANT TO M.G.L. C. 83, § 10 AND CHAPTER 295 OF THE CODE OF THE TOWN OF HARWICH, THE TOWN ENGINEER, ACTING AS THE TOWN OF HARWICH STORMWATER AUTHORITY, WILL HOLD A JOINT PUBLIC HEARING WITH THE PLANNING BOARD:**
- A. Daniel Serber of NextGrid, Inc.** seeks a Local Stormwater Permit Application filed pursuant to the Town of Harwich Comprehensive Stormwater and Illicit Discharge Regulations to construct a ground mounted Photovoltaic Array with an accompanying stormwater management system. The property is located at 0 Depot Road, Map 64, Parcel S-1 and a continuance of the public hearing for **PB2020-27 NextGrid, Inc., as applicant**, Brian G. Yergatian, P.E., as representative, and Steven Clark, as owner, seek approval of a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55, in conjunction with §325, Article XXIII to establish a Large Scale Photovoltaic Array at property located at 0 Depot Road, Map 64, Parcel S-1 in the R-R zoning district. The property is only accessible via Mill Hill Road, Chatham. Hearing continued from 11/19/2020. *The Planning Board Hearing was continued from 12/17/2020 to allow for this joint hearing with the Town Engineer.*
- III. PUBLIC HEARINGS**
- A. Continuance: PB2020-24 195 Queen Anne Road, LLC, as applicant**, George A. McLaughlin III, as manager, Daniel A. Ojala, P.E., P.L.S., as representative, seeks approval of a Site Plan Review Special Permit and a Special Permit for structures with a gross floor area > 7,500 SF and 20 or more new parking spaces pursuant to the Code of the Town of Harwich §325-55 and §§325 9 and - 51 to construct an industrial warehouse/contractor structure (7 bays, 9,000 sf). The property is located at 195 Queen Anne Road, Map 58, Parcel F1-2, in the I-L zoning district. *Hearing Continued from 12/1/2020. Please note: the applicant has requested a continuance to March 9, 2021.*
- B. Continuance: PB2020-28 Cape Cod Oil Company, H. Tasha, TR. of M.J.T. Enterprises, as applicant**, Jacobs Driscoll Engineering, Inc., as representative, seeks approval of a Site Plan Review Special Permit with waiver to establish and install two (2) 30,000 gallon propane tanks along with appurtenant equipment fixtures and site features pertinent to the establishment of a new Heating Fuel Resale and Storage use, which is an allowable use within the zoning district. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 6 Station Avenue, Map 39, Parcel K3, in I-L zoning district. *Hearing continued from 12/1/2020. Please note: the applicant has requested a continuance to February 23, 2021.*

- C. *Continuance: PB2020-31 711 Main Street LLC*, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 to reduce the number of existing parking spaces by one (1) to accommodate the installation of an enclosed mechanical energy appliance (generator) at the rear of the building. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay zoning districts. *Hearing continued from 12/17/2020.*
- D. *Continuance: PB2020-26 The Royal Apartments LLC, as owner*, Benjamin E. Zehnder, Esq, Representative, seeks approval of Special Permits for Multifamily Use and Site Plan Review for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.Q (approved at the 9-26-2020 Town Meeting) and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. *Hearing continued from December 17, 2020.*
- E. **PB2020-32 Wychmere Harbor Real Estate LLC**, applicant & owner, c/o Attorney Andrew Signer, representative, seeks to amend the Site Plan Review Special Permits granted in Cases PB2019-27 and PB2020-23, or in the alternative a new Special Permit to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions. The application is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400. The property is located 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH 3 and R L zoning districts.

IV. PUBLIC MEETING**

A. New Business:

1. **Minutes:** December 17, 2020
2. **Discussion on possible zoning amendments/rules and regulations amendment for 2021**
3. **Advisory Opinions:** Historic District & Historical Commission January 20, 2021
4. **PB2020-35 Our & Blanchard** - Approval Not Required Plan (ANR) - 103 and 105 Old Harwich Brewster Road, Map 65, Parcels R2 and R3 respectively.

B. Old Business:

1. **West Harwich DCPC** - Continued discussion on Design Guidelines
2. **Review and possible approval of 2020 Annual Town Report**

C. Briefings and Reports by Board Members

V. ADJOURN

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

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

Next Planning Board Meeting (Subject to Change) – Tuesday, January 26, 2021.
Requests for accommodations for any person having a disability can be made by contacting the Administration Office at 508-430-7513.

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

TOWN ENGINEER & INTERIM TOWN PLANNER

732 Main Street, Harwich, MA 02645



AGENDA ITEM # II.A

To: Planning Board
From: Griffin Ryder Town Engineer
Charleen Greenhalgh, Interim Town Planner
Date: January 5, 2021
Re: Staff Report – For Joint Public Hearing
Local Stormwater Permit and Site Plan Review Special Permit

Pursuant to M.G.L. c. 83, § 10 and Chapter 295 of the Code of the Town of Harwich, the Town Engineer, acting as the Town of Harwich Stormwater Authority, will hold a Joint Public Hearing with the Planning Board for the following:

Daniel Serber of NextGrid, Inc. seeks a Local Stormwater Permit Application filed pursuant to the Town of Harwich Comprehensive Stormwater and Illicit Discharge Regulations to construct a ground mounted Photovoltaic Array with an accompanying stormwater management system. The property is located at 0 Depot Road, Map 64, Parcel S-1 and a continuance of the public hearing for **PB2020-27 NextGrid, Inc., as applicant**, Brian G. Yergatian, P.E., as representative, and Steven Clark, as owner, seek approval of a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55, in conjunction with §325, Article XXIII to establish a Large Scale Photovoltaic Array at property located at 0 Depot Road, Map 64, Parcel S-1 in the R-R zoning district. The property is only accessible via Mill Hill Road, Chatham. Hearing continued from 11/19/2020. *The Planning Board Hearing was continued from 12/17/2020 to allow for this joint hearing with the Town Engineer.*

A joint public hearing on this matter is scheduled for a virtual meeting to be held on Tuesday, January 12, 2021 not earlier than 6:30pm. The public hearing for Site Plan Review was originally opened on November 19, 2020 and abutters were notified via certified mail on October 27, 2020. The Stormwater Permit public hearing will be opened on January 12, 2021 and the abutters were notified on December 22, 2020.

Please note that due to an advertising error by the newspaper, the legal notice for the Stormwater hearing was not published. In discussion with Town Counsel, they have opined that the hearing for the Stormwater portion of the hearing can be opened and continued and that the Planning Board hearing can proceed.

The Stormwater and Illicit Discharge Regulations (the "Regulations") were adopted by the Town of Harwich Board of Selectmen acting in their capacity as the Sewer Governance Board, which shall hereafter also act as the Town of Harwich Stormwater Authority. These regulations are enacted pursuant to G.L. c. 83, §10 and Chapter 295 of the Code of the Town of Harwich. The Selectmen further authorized the Town Engineer to service as the Stormwater Authority.

In an effort to streamline the permitting process, and as many proposed developments before the Planning will likely trigger the need for a Stormwater Permit, a joint hearing is being held, and likely this will become the norm for the future.

Description

The applicant received a use variance to allow for the large scale photovoltaic (“PV”) array from the Zoning Board of Appeals on August 26, 2020. The property, which is only accessible via Mill Hill Road in Chatham, was formerly a sand and gravel pit. The applicant is now before the Planning Board for Site Plan Review. Because the standard Site Plan Review does not address the specifics of a PV array development, the applicant was advised by Town Staff to utilize the requirements of §325, Article XXIII Large-Scale Ground-Mounted Photovoltaic Arrays, and more specifically §§325-140 through 148. The application was filed with the Town Clerk on October 13, 2020 and subsequent information filed November 6, 2020 and January 5, 2021, including the following:

1. Form A – Special Permits & Site Plan Review
2. Permit Application Narrative
3. Cover letter from BSC Group dated October 1, 2020
4. Response to Staff Comments letter dated November 6, 2020
5. Response to Staff Comments letter dated January 4, 2021
6. Copy of Zoning Board of Appeals Decision
7. Municipal Lien Certificate
8. Decommissioning Plan revised and stamp by P.E. 1/5/21
9. Operation and Maintenance Plan revised date December 2020
10. Wetland Delineation Memo dated October 30, 2020
11. NextGrid – WO 2378433 – Harwich – 0 Depot Rd – Eng Tech Hold & Distribution Queue Hold, stamp date received Jan 5 2021
12. Set of Plans for NextGrid, Inc., Ground-Mounted Photovoltaic System, 0 Depot Road, Harwich, Massachusetts, July 17, 2020, Prepared by BSC Group:
 - a. Sheet 1 of 7 – Index of Drawings
 - b. Sheet 2 of 7 – Plan of Land, scale 1” = 80’
 - c. Sheet 3 of 7 - Site Preparation Plan, scale 1” = 60’
 - d. Sheet 4 of 7 – Layout & Materials Plan, Revision date 11/6/2020, scale 1” = 60’
 - e. Sheet 5 of 7 – Grading & Drainage Plan, scale 1” = 60’
 - f. Sheet 6 of 7 – Utility Plan, scale 1” = 60’
 - g. Sheet 7 of 7 – Detail Sheet, scale as noted
13. Set of Plans for NextGrid – Chatham, Mill Hill Rd, Prepared by Solar Design Associates, Interconnection Application, July 30, 2020, Revision dates 11/15/2019, 03/03/2020, 05/13/2020, and 07/30/2020:
 - a. Drawing No. PV001 – PV Site Plan
 - b. Drawing No. PV601 – Single Line
 - c. Drawing No. PV602 – Datasheets (1)
 - d. Drawing No. PV603 – Datasheets (2)

MGL Reference and Stormwater Authority Jurisdiction

Pursuant to the Comprehensive Stormwater and Illicit Discharge Regulation established pursuant to M.G.L. c. 83, § 10 and Chapter 295 of the Code of the Town of Harwich, Section 5, Applicability:

- A. These Regulations shall apply to land disturbances that drain to the municipal storm drain system or, directly or indirectly, into a watercourse or water of the Commonwealth. Except as authorized by the Stormwater Authority in a Local Stormwater Permit, no person shall perform any activity that results in a land disturbance above the threshold contained in this subsection, below.
- B. The following uses and activities shall be regulated under this by-law:
 1. Subdivisions and construction activities of any kind disturbing an area equal to or greater than one (1) acre (43,560 square feet); and
 2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development or safe that would disturb area equal to or greater than one (1) acre (43,560 square feet).

MGL Reference and Planning Board Jurisdiction

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

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

As noted previously, Staff recommended that the applicant utilize the provision of §§325-140 thru 148.

Waivers: The following waivers have been requested:

1. Chapter 400, Article III Special Permits, including Site Plans, Section 400-16B. The applicant intends to follow the requirements imposed by Chapter 325, Article XXIII Large-Scale Ground-Mounted Photovoltaic Arrays, Section 325-140 Large-scale Solar Review.
2. Chapter 325, Article XXIII Large-Scale Ground-Mounted Photovoltaic Array, Section 325-140B (3)(h) as Section 400-18 Review Procedure will still apply.

Comments from other Boards, Departments, and Committees: Please note that not only were Town of Harwich Departments notified, but Chatham Town Departments were also notified due to the direct access from Chatham.

Fire and Police: No issues.

DPW: Lincoln Hooper email dated October 15, 2020 - *Please be advised that the DPW does business with Mr. Clark and that he is currently doing brush grinding for the DPW under a contract signed a week ago. Additionally, Chris Nickerson is related to him, thus the comment on the application came from me. Although Chris and I both fee there is no nexus between his application to use his sandpit (I always thought it was in Chatham) for a solar array and the business we do with him. I felt that I should disclose these facts to you.*

Conservation: There is a wetland along the southern boundary. This wetland is also a certified vernal pool. How was the edge of this wetland determined, and is the wetland edge the landward limit of vernal pool? They are often not one-in-the-same. As proposed, no work would take place within the 100' wetland buffer, but we do not know how this was determined. The Conservation Administrator suggests they come to the Conservation Commission with a request for Determination of Applicability to nail down that wetland delineation. **NOTE:** The applicants represented has been in touch with the Conservation Administrator and has made the necessary filing with Conservation.

Health: The Senior Health Agent reviewed the application for a variance to install a solar/photovoltaic facility at 0 Depot Road. This property is located in a Zone II, or water recharge area. The Health Department has no issues or concerns with the proposal, but it is important to note that Board of Health Regulations state that land use that results in impervious cover of more than 15% or 2,500 square feet of any lot, whichever is greater, is prohibited unless a system of artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality. If the proposed use exceeds impervious cover of more than 15%, then the application will need to be reviewed by the Board of Health.

Engineering: See Planning Staff Comments

Chatham Fire: No issues with the proposed project

Planning Staff Comments

1. First the Town Engineer and the Town Planner want to make it clear that we are not opposed to the proposed project, quite the opposite.
2. The use was approved by the Zoning Board of Appeals, Case #2020-34.
3. Recommended conditions are as follows:
 - a. Board of Health Regulations and Requirements shall be met.
 - b. Approval is subject to the Local Stormwater Permit under the Comprehensive Stormwater and Illicit Discharge Regulation approved by the Town Engineer.
 - c. The use of the Large Scale Ground Mounted Photovoltaic Array was approved by a use variance issued by the Zoning Board of Appeals pursuant to Case #2020-34.
 - d. This decision shall be recorded at the Barnstable County Registry of Deeds.
 - e. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

BOARD VOTE

Continuance

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

Move to continue the hearing for **PB2020-27 NextGrid, Inc.**, to no earlier than 6:30 pm on _____ (Jan. 26) 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

Vote to Approve Waivers

To approve the following waivers:

1. Waiver from provision of §400-16B, and in the alternative to allow the plan to follow requirements of Chapter 325, Article XXIII Large-Scale Ground-Mounted Photovoltaic Arrays, §325-140 Large-scale Solar Review.
2. Waiver from provision of §325-140B (2)(b) with respect to the boundary survey prepared by a Registered Land Surveyor as the Facility is located over 500 feet from the nearest property line to the west, per the Town GIS.
3. Waiver from §325-140B (3)(h) as §400-18 Review Procedure was followed.

Vote to Adopt Proposed Findings for the Site Plan Special Permit:

To adopt the following finding of fact:

1. The parcel is located within the RR zoning district and WR Overlay District.
2. The use was authorized through a variance from the Zoning Board of Appeals Case #2020-34.
3. The only access will be from Chatham over Mill Hill Road. No new roads are proposed.
4. The nearest home is over 800 feet away and would not be affected by the proposal.
5. The previous use of the property was that of a sand and earth removal pit.
6. The use will not cause harm or nuisance and will not derogate from the purpose and intent of the zoning codes of the Town of Harwich

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

To approve with conditions and waivers case number PB2020-27 NextGrid, Inc., for a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55, in conjunction with §325, Article XXIII to establish a Large Scale Photovoltaic Array at property located at 0 Depot Road, Map 64, Parcel S-1 in the R-R zoning district. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following conditions are imposed:

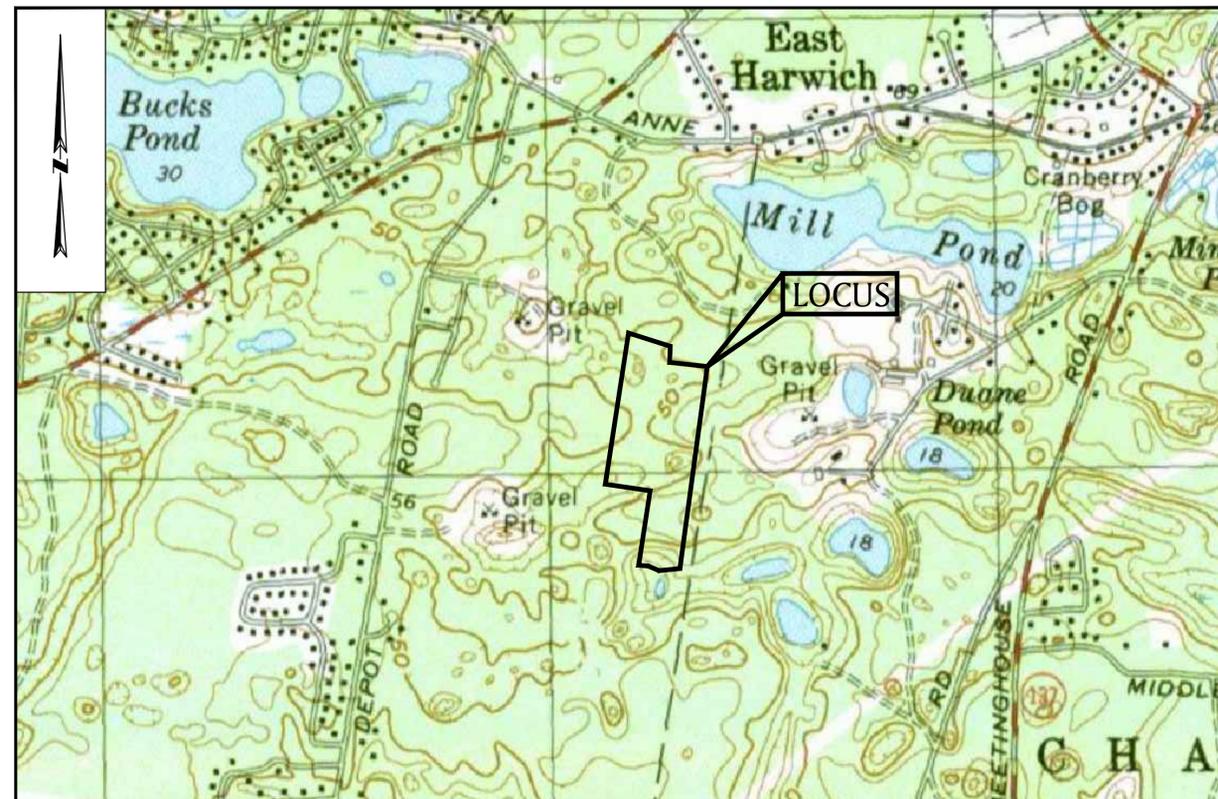
1. Board of Health Regulations and Requirements shall be met.
2. Approval is subject to the Comprehensive Stormwater and Illicit Discharge Regulation Permit approved and authorized by the Town Engineer.
3. The use of the Large Scale Ground Mounted Photovoltaic Array was approved by a use variance issued by the Zoning Board of Appeals pursuant to Case #2020-34.
4. This decision shall be recorded at the Barnstable County Registry of Deeds.
5. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

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

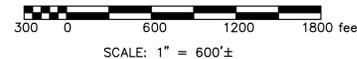
GROUND-MOUNTED PHOTOVOLTAIC SYSTEM

0 DEPOT ROAD
HARWICH, MASSACHUSETTS

JULY 17, 2020



LOCUS MAP



INDEX OF DRAWINGS

- 1 TITLE SHEET
- 2 EXISTING CONDITIONS PLAN
- 3 SITE PREPARATION PLAN
- 4 LAYOUT & MATERIALS PLAN
- 5 GRADING & DRAINAGE PLAN
- 6 UTILITY PLAN
- 7 DETAIL SHEET

PREPARED FOR:

NEXTGRID, INC
PO BOX 7775, #73069
SAN FRANCISCO, CA 94120

PREPARED BY:

 **BSC GROUP**
349 Main Street - Route 28
W. Yarmouth, Massachusetts
02673
508 778 8919

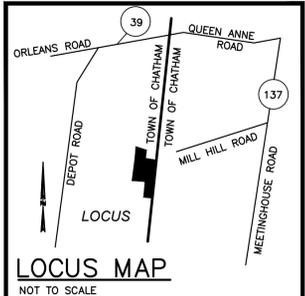
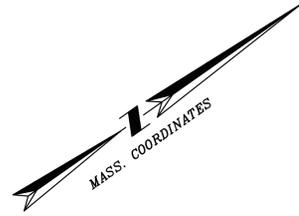


7/17/20

ISSUED FOR PERMITTING
NOT FOR CONSTRUCTION

LOCUS INFORMATION

CURRENT OWNER: DFN, INC.
 ADDRESS: 160 MILL HILL ROAD, CHATHAM
 TITLE REFERENCE: DEED BOOK 6930, PAGE 82
 PLAN REFERENCE: PETITIONERS PLAN 41975-A
 ASSESSORS MAP: 64
 PARCEL: S 1
 ZONING DISTRICT: R-R (SOLAR FIELD)
 SETBACKS: FRONT 50'
 SIDE 50'
 REAR 50'
 EXISTING UPLAND LOT AREA: 17.1± ACRES
 NITROGEN SENSITIVE ZONE: STATE ZONE II
 FEMA FLOOD ZONE DISTRICT: "X"



KIERAN J. HEALY DATE
 PROFESSIONAL LAND SURVEYOR

PLAN OF LAND

0 DEPOT ROAD
 IN
 HARWICH
 MASSACHUSETTS
 (BARNSTABLE COUNTY)

EXISTING
 CONDITIONS
 JULY 17, 2020

REVISIONS:

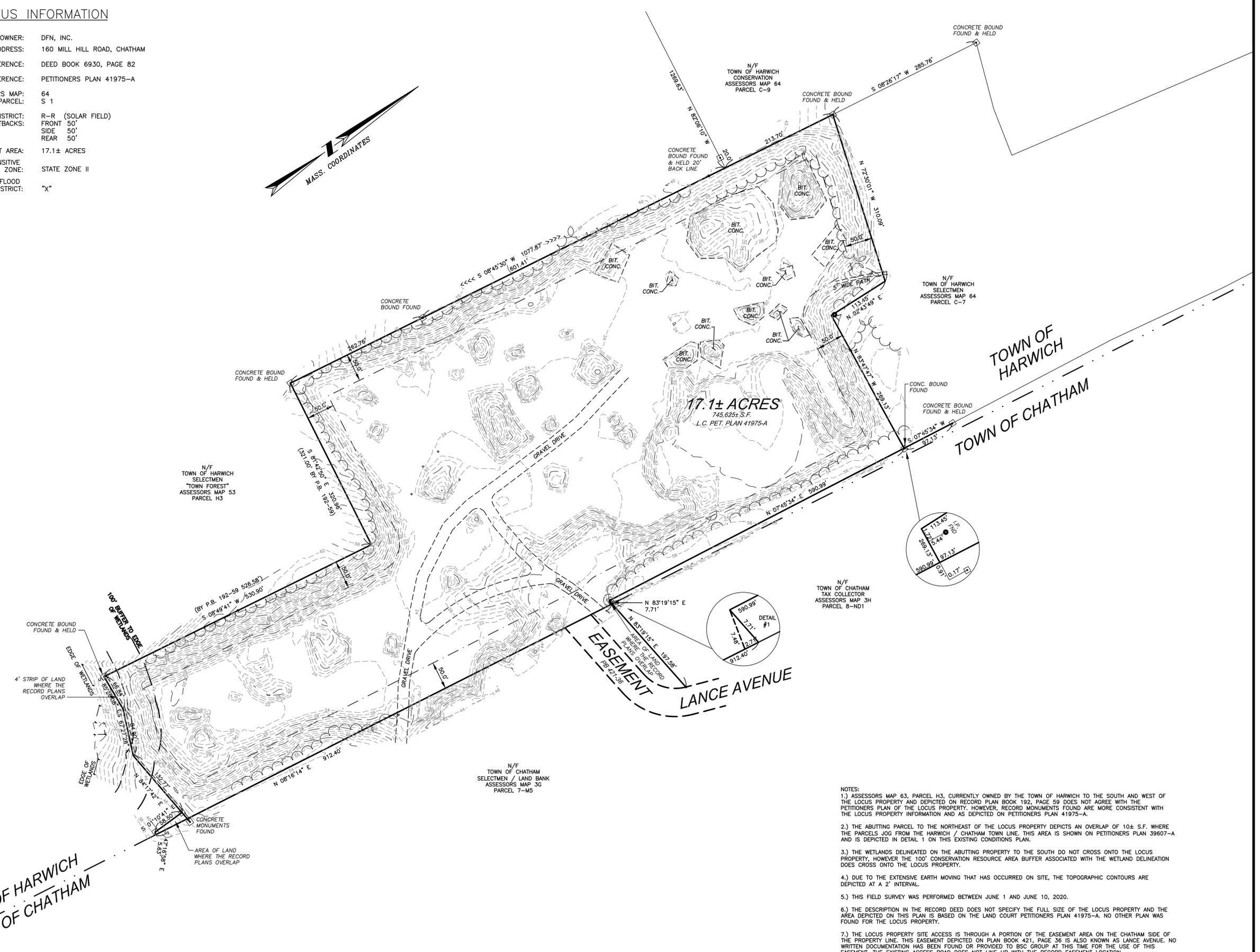
NO.	DATE	DESC.

PREPARED FOR:
 NEXTGRID, INC
 P.O. BOX 7775
 SAN FRANCISCO, CA 94120

349 Route 28, Unit D
 W. Yarmouth, Massachusetts
 02673
 508 778 8919

© 2020 BSC Group, Inc.
 SCALE: 1" = 80'

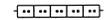
FILE: ...Projects-YAR\50416-EXC.DWG
 DWG. NO: 6654-01 SHEET 2 OF 7
 JOB. NO: 5-0416.00



- NOTES:
- ASSESSORS MAP 63, PARCEL H3, CURRENTLY OWNED BY THE TOWN OF HARWICH TO THE SOUTH AND WEST OF THE LOCUS PROPERTY AND DEPICTED ON RECORD PLAN BOOK 192, PAGE 59 DOES NOT AGREE WITH THE PETITIONERS PLAN OF THE LOCUS PROPERTY. HOWEVER, RECORD MONUMENTS FOUND ARE MORE CONSISTENT WITH THE LOCUS PROPERTY INFORMATION AND AS DEPICTED ON PETITIONERS PLAN 41975-A.
 - THE ABUTTING PARCEL TO THE NORTHEAST OF THE LOCUS PROPERTY DEPICTS AN OVERLAP OF 10± S.F. WHERE THE PARCELS JOG FROM THE HARWICH / CHATHAM TOWN LINE. THIS AREA IS SHOWN ON PETITIONERS PLAN 39607-A AND IS DEPICTED IN DETAIL 1 ON THIS EXISTING CONDITIONS PLAN.
 - THE WETLANDS DELINEATED ON THE ABUTTING PROPERTY TO THE SOUTH DO NOT CROSS ONTO THE LOCUS PROPERTY, HOWEVER THE 100' CONSERVATION RESOURCE AREA BUFFER ASSOCIATED WITH THE WETLAND DELINEATION DOES CROSS ONTO THE LOCUS PROPERTY.
 - DUE TO THE EXTENSIVE EARTH MOVING THAT HAS OCCURRED ON SITE, THE TOPOGRAPHIC CONTOURS ARE DEPICTED AT A 2' INTERVAL.
 - THIS FIELD SURVEY WAS PERFORMED BETWEEN JUNE 1 AND JUNE 10, 2020.
 - THE DESCRIPTION IN THE RECORD DEED DOES NOT SPECIFY THE FULL SIZE OF THE LOCUS PROPERTY AND THE AREA DEPICTED ON THIS PLAN IS BASED ON THE LAND COURT PETITIONERS PLAN 41975-A. NO OTHER PLAN WAS FOUND FOR THE LOCUS PROPERTY.
 - THE LOCUS PROPERTY SITE ACCESS IS THROUGH A PORTION OF THE EASEMENT AREA ON THE CHATHAM SIDE OF THE PROPERTY LINE. THIS EASEMENT DEPICTED ON PLAN BOOK 421, PAGE 36 IS ALSO KNOWN AS LANCE AVENUE. NO WRITTEN DOCUMENTATION HAS BEEN FOUND OR PROVIDED TO BSC GROUP AT THIS TIME FOR THE USE OF THIS EASEMENT. THE EXISTING ACCESS ROAD DOES NOT LINE UP WITH THE RECORD EASEMENT LOCATION.

File Name: \\vescho\yarc\Projects-YAR\50416-EXC.DWG - Tab: Layout1 Plotted On: July 15, 2020 - 10:10 AM by: YERGATAN, BRIAN Saved on: 7/15/2020 10:09 AM by: BYERGATAN

LEGEND

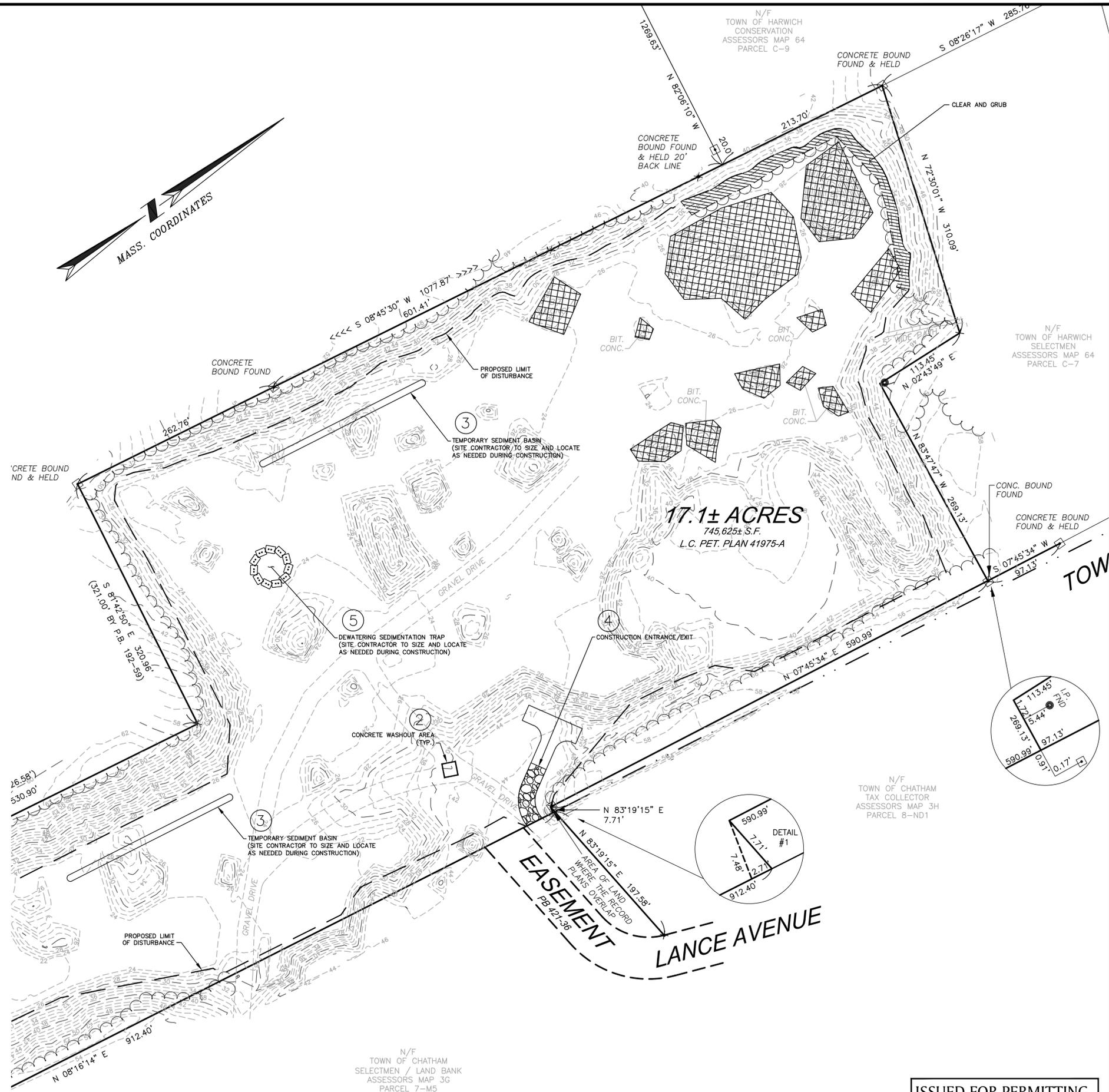
-  SILT SOXX EROSION CONTROL BARRIER
-  REMOVE TREES, CLEAR & GRUB
-  STRUCTURE TO BE REMOVED & DEMOLISHED
-  REMOVE & DISPOSE PAVEMENT

BEST MANAGEMENT PRACTICES (BMPs)

- ① SILT SOXX EROSION CONTROL BARRIER
- ② CONCRETE WASH OUT AREA
- ③ TEMPORARY SEDIMENT BASIN WITH INTERCEPTOR SWALES
- ④ CONSTRUCTION ENTRANCE/EXIT
- ⑤ DEWATERING SEDIMENTATION TRAP

EROSION AND SEDIMENT CONTROL NOTES:

1. PRIOR TO ANY LAND DISTURBANCE ACTIVITIES COMMENCING ON THE SITE, THE DEVELOPER SHALL PHYSICALLY MARK LIMITS OF NO LAND DISTURBANCE ON THE SITE WITH TAPE, SIGNS, OR ORANGE CONSTRUCTION FENCE, SO THAT WORKERS CAN SEE THE AREAS TO BE PROTECTED. THE PHYSICAL MARKERS SHALL REMAIN IN PLACE UNTIL A CERTIFICATE OF COMPLETION HAS BEEN ISSUED.
2. APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO SOIL DISTURBANCE. MEASURES SHALL BE TAKEN TO CONTROL EROSION WITHIN THE PROJECT AREA. SEDIMENT IN RUNOFF WATER SHALL BE TRAPPED AND RETAINED WITHIN THE PROJECT AREA. WETLAND AREAS AND SURFACE WATERS SHALL BE PROTECTED FROM SEDIMENT.
3. MINIMIZE TOTAL AREA OF DISTURBANCE AND PROTECT NATURAL FEATURES AND SOIL.
4. THE CONTRACTOR SHALL SEQUENCE ALL ACTIVITIES TO MINIMIZE SIMULTANEOUS AREAS OF DISTURBANCE. MASS CLEARING AND GRADING OF THE ENTIRE SITE SHALL BE AVOIDED.
5. MINIMIZE SOIL EROSION AND CONTROL SEDIMENTATION DURING CONSTRUCTION.
6. DIVERT UNCONTAMINATED WATER AROUND DISTURBED AREAS.
7. INSTALL AND MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND GOOD ENGINEERING PRACTICES OR IN ACCORDANCE WITH THE 2017 EPA CONSTRUCTION GENERAL PERMIT.
8. PROTECT AND MANAGE ON AND OFF-SITE MATERIAL STORAGE AREAS (OVERBURDEN AND STOCKPILES OF DIRT, BORROW AREAS, OR OTHER AREAS USED SOLELY BY THE PERMITTED PROJECT ARE CONSIDERED A PART OF THE PROJECT).
9. COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS INCLUDING WASTE DISPOSAL, SANITARY OR SEWER REGULATIONS, AND AIR QUALITY REQUIREMENTS, INCLUDING DUST CONTROL.
10. SEDIMENT SHALL BE REMOVED ONCE THE VOLUME REACHES 1/4 TO 1/2 THE HEIGHT OF THE EROSION CONTROL DEVICE. SEDIMENT SHALL BE REMOVED FROM SILT FENCE PRIOR TO REACHING THE LOAD-BEARING CAPACITY OF THE SILT FENCE WHICH MAY BE LOWER THAN 1/4 TO 1/2 THE HEIGHT.
11. SEDIMENT FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS SHALL BE REMOVED WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50 PERCENT.
12. BMPs TO BE USED FOR INFILTRATION AFTER CONSTRUCTION SHALL NOT BE USED AS BMPs DURING CONSTRUCTION UNLESS OTHERWISE APPROVED IN WRITING BY THE ENGINEER AND THE TOWN OF BREWSTER. MANY INFILTRATION TECHNOLOGIES ARE NOT DESIGNED TO HANDLE THE HIGH CONCENTRATIONS OF SEDIMENTS TYPICALLY FOUND IN CONSTRUCTION RUNOFF, AND THUS MUST BE PROTECTED FROM CONSTRUCTION RELATED SEDIMENT LOADINGS.
13. SOIL STOCKPILES MUST BE STABILIZED OR COVERED AT THE END OF EACH WORKDAY. STOCKPILE SIDE SLOPES SHALL NOT BE GREATER THAN 2:1 UNLESS SPECIFIED BY ENGINEER. ALL STOCKPILES SHALL BE SURROUNDED BY SEDIMENT CONTROLS.
14. FOR ACTIVE CONSTRUCTION AREAS SUCH AS BORROW OR STOCKPILE AREAS, ROADWAY IMPROVEMENTS AND AREAS WITHIN 50 FEET OF A BUILDING UNDER CONSTRUCTION, A PERIMETER SEDIMENT CONTROL SYSTEM SHALL BE INSTALLED AND MAINTAINED TO CONTAIN SOIL.
15. A TRACKING PAD OR OTHER APPROVED STABILIZATION METHOD SHALL BE CONSTRUCTED AT ALL ENTRANCE/EXIT POINTS OF THE SITE TO REDUCE THE AMOUNT OF SOIL CARRIED ONTO ROADWAYS AND OFF THE SITE.
16. ON THE CUT SIDE OF ROADS, DITCHES SHALL BE STABILIZED IMMEDIATELY WITH ROCK RIP-RAP OR OTHER NON-ERODIBLE LINERS, OR WHERE APPROPRIATE, VEGETATIVE MEASURES SUCH AS HYDROSEEDING OR JUTE MATTING.
17. PERMANENT SEEDING SHALL BE UNDERTAKEN IN THE SPRING FROM MARCH THROUGH MAY, AND IN LATE SUMMER AND EARLY FALL FROM AUGUST TO OCTOBER 15. DURING THE PEAK SUMMER MONTHS AND IN THE FALL AFTER OCTOBER 15, WHEN SEEDING IS FOUND TO BE IMPRACTICAL, APPROPRIATE TEMPORARY STABILIZATION SHALL BE APPLIED. PERMANENT SEEDING MAY BE UNDERTAKEN DURING THE SUMMER IF PLANS PROVIDE FOR ADEQUATE MULCHING AND WATERING.
18. ALL SLOPES STEEPER THAN 3:1 (H:V, 33.3%), AS WELL AS PERIMETER DIKES, SEDIMENT BASINS OR TRAPS, AND EMBANKMENTS MUST, UPON COMPLETION, BE IMMEDIATELY STABILIZED WITH SOD, SEED AND ANCHORED STRAW MULCH, OR OTHER APPROVED STABILIZATION MEASURES. AREAS OUTSIDE OF THE PERIMETER SEDIMENT CONTROL SYSTEM MUST NOT BE DISTURBED.
19. TEMPORARY SEDIMENT TRAPPING DEVICES MUST NOT BE REMOVED UNTIL PERMANENT STABILIZATION IS ESTABLISHED IN ALL CONTRIBUTORY DRAINAGE AREAS.
20. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED AFTER FINAL SITE STABILIZATION. DISTURBED SOIL AREAS RESULTING FROM THE REMOVAL OF TEMPORARY MEASURES SHALL BE PERMANENTLY STABILIZED WITHIN 30 DAYS OF REMOVAL.
21. PROPERLY MANAGE ON-SITE CONSTRUCTION AND WASTE MATERIALS.
22. PREVENT OFF-SITE VEHICLE TRACKING OF SEDIMENTS.
23. DUST SHALL BE CONTROLLED AT THE SITE.
24. ALL PREVIOUSLY DISTURBED LAND SHALL BE STABILIZED BY APPROVED METHODS AFTER 14 DAYS IF LEFT UNDISTURBED, THIS INCLUDES STOCKPILES, CONSTRUCTION ENTRANCES, GRADED AREAS AND OTHER CONSTRUCTION ACTIVITY RELATED CLEARING.
25. IF WORK IS HALTED OVER WINTER MONTHS THE CONTRACTOR SHALL BE RESPONSIBLE FOR STABILIZING THE AREA THROUGH GROUND COVER PRACTICES.



**ISSUED FOR PERMITTING
NOT FOR CONSTRUCTION**



BRIAN G. YERGATIAN
PROFESSIONAL ENGINEER

GROUND-MOUNTED PHOTOVOLTAIC SYSTEM

0 DEPOT ROAD
IN
HARWICH MASSACHUSETTS (BARNSTABLE COUNTY)

SITE PREPARATION PLAN

JULY 17, 2020

REVISIONS:

NO.	DATE	DESC.

PREPARED FOR:
NEXTGRID, INC.
PO BOX 7775 #73069
SAN FRANCISCO, CA 94120

BSC GROUP

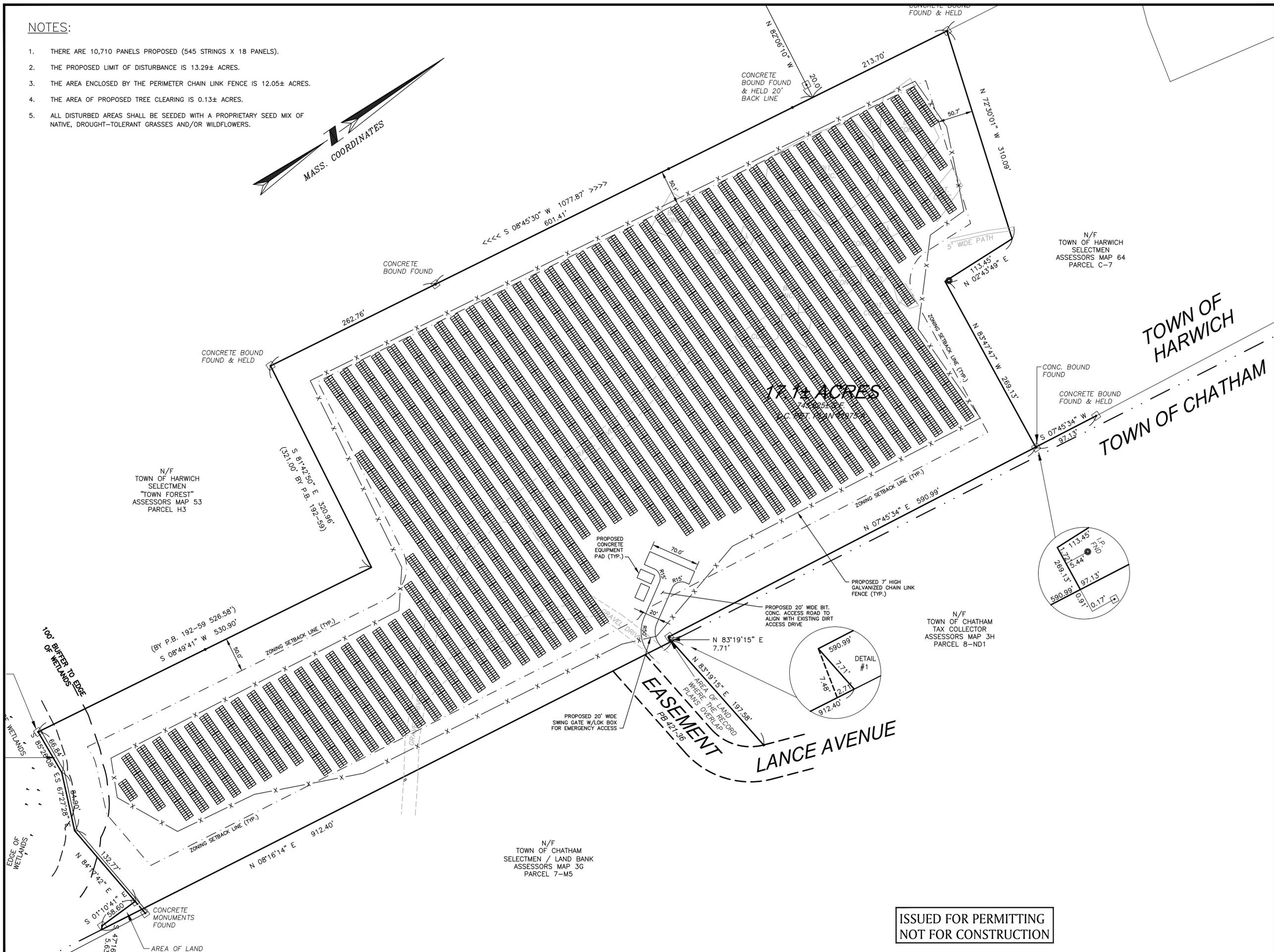
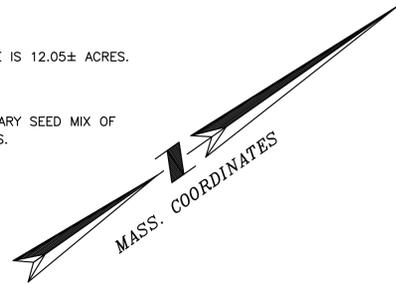
349 Main Street - Route 28
West Yarmouth, Massachusetts
02673
508 778 8919

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SCALE: 1" = 60'
0 30 60 120 FEET

FILE: 5041600-SP.dwg
DWG: DWG
JOB: NO: 5-0416.00

NOTES:

1. THERE ARE 10,710 PANELS PROPOSED (545 STRINGS X 18 PANELS).
2. THE PROPOSED LIMIT OF DISTURBANCE IS 13.29± ACRES.
3. THE AREA ENCLOSED BY THE PERIMETER CHAIN LINK FENCE IS 12.05± ACRES.
4. THE AREA OF PROPOSED TREE CLEARING IS 0.13± ACRES.
5. ALL DISTURBED AREAS SHALL BE SEEDED WITH A PROPRIETARY SEED MIX OF NATIVE, DROUGHT-TOLERANT GRASSES AND/OR WILDFLOWERS.



7/17/20

BRIAN G. YERGATIAN
PROFESSIONAL ENGINEER

GROUND-MOUNTED PHOTOVOLTAIC SYSTEM

0 DEPOT ROAD
IN
HARWICH
MASSACHUSETTS
(BARNSTABLE COUNTY)

LAYOUT & MATERIALS PLAN

JULY 17, 2020

REVISIONS:

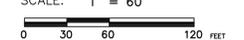
NO.	DATE	DESC.

PREPARED FOR:
NEXTGRID, INC.
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SCALE: 1" = 60'



FILE: 5041600-SP.dwg

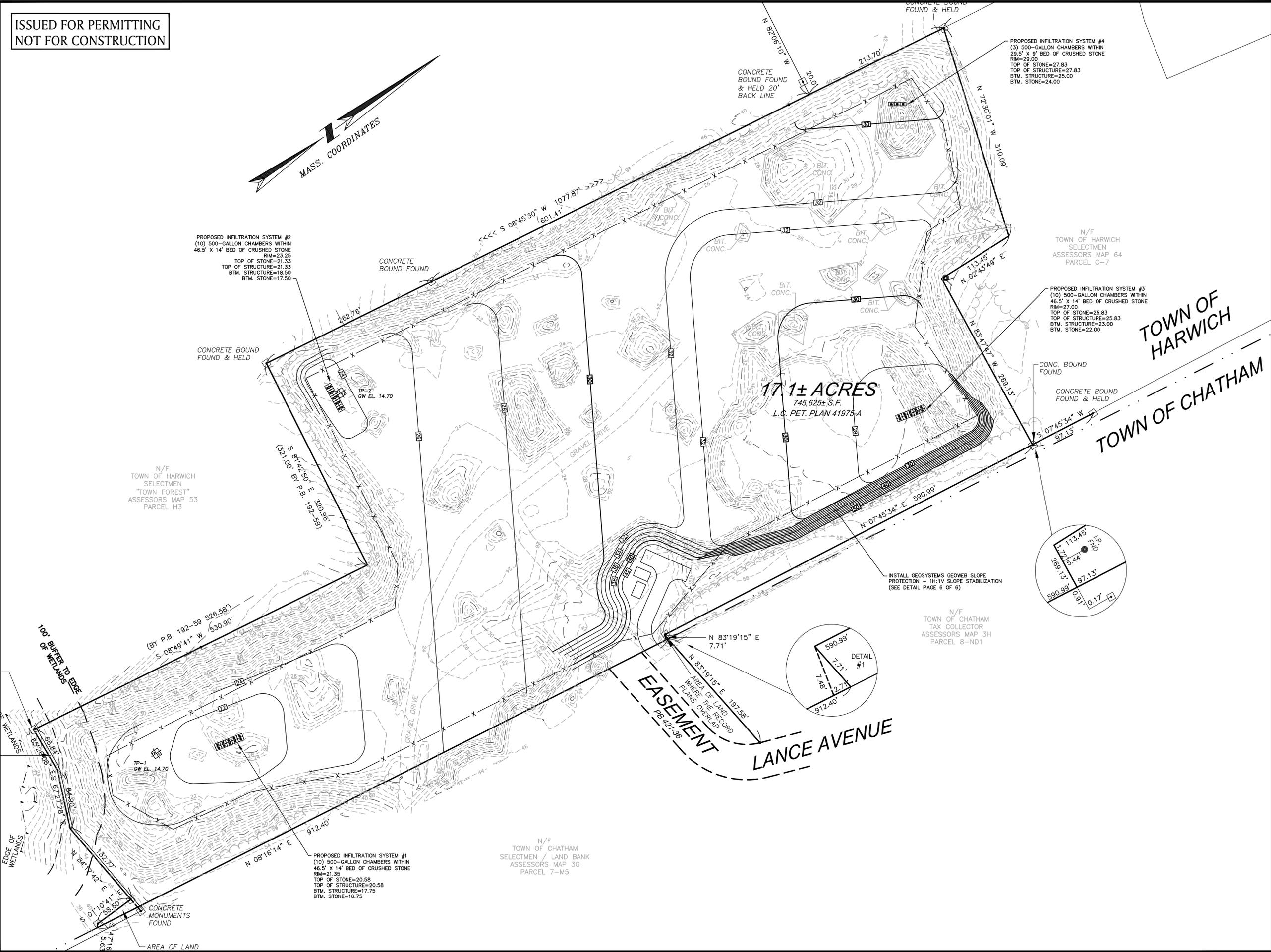
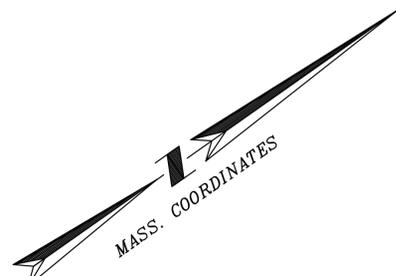
DWG: DWG

JOB: NO: 5-0416.00

SHEET 4 OF 7

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NOT FOR CONSTRUCTION



PROPOSED INFILTRATION SYSTEM #2
(10) 500-GALLON CHAMBERS WITHIN
46.5' X 14' BED OF CRUSHED STONE
RIM=23.25
TOP OF STONE=21.33
TOP OF STRUCTURE=18.50
BTM. STONE=17.50

PROPOSED INFILTRATION SYSTEM #4
(3) 500-GALLON CHAMBERS WITHIN
29.5' X 9' BED OF CRUSHED STONE
RIM=29.00
TOP OF STONE=27.83
TOP OF STRUCTURE=27.83
BTM. STRUCTURE=25.00
BTM. STONE=24.00

PROPOSED INFILTRATION SYSTEM #3
(10) 500-GALLON CHAMBERS WITHIN
46.5' X 14' BED OF CRUSHED STONE
RIM=27.00
TOP OF STONE=25.83
TOP OF STRUCTURE=23.00
BTM. STRUCTURE=23.00
BTM. STONE=22.00

PROPOSED INFILTRATION SYSTEM #1
(10) 500-GALLON CHAMBERS WITHIN
46.5' X 14' BED OF CRUSHED STONE
RIM=21.38
TOP OF STONE=20.58
TOP OF STRUCTURE=17.75
BTM. STONE=16.75



7/17/20

BRIAN G YERGATIAN
PROFESSIONAL ENGINEER

GROUND-MOUNTED
PHOTOVOLTAIC
SYSTEM

0 DEPOT ROAD
IN
HARWICH
MASSACHUSETTS
(BARNSTABLE COUNTY)

GRADING & DRAIANGE
PLAN

JULY 17, 2020

REVISIONS:

NO.	DATE	DESC.

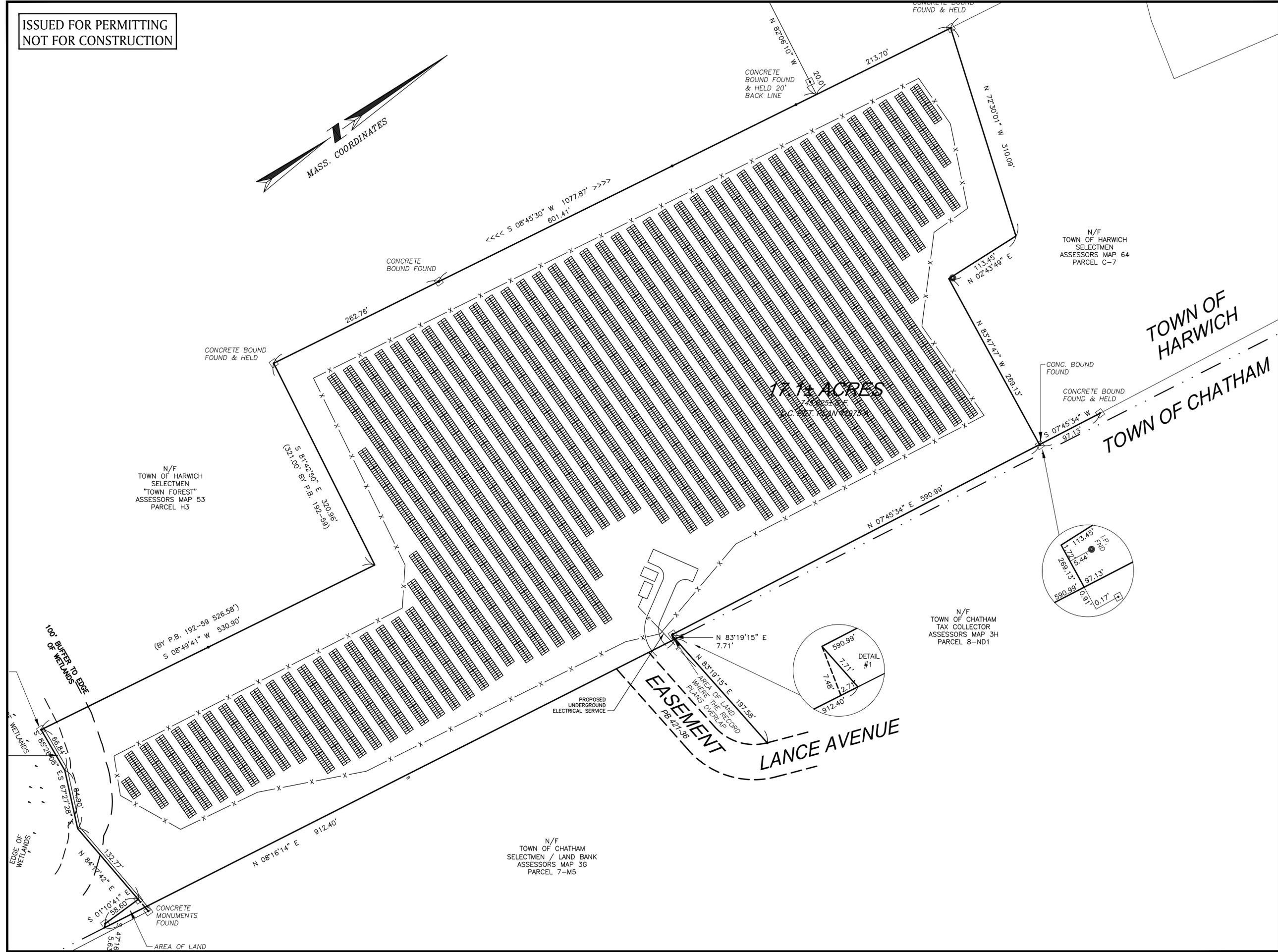
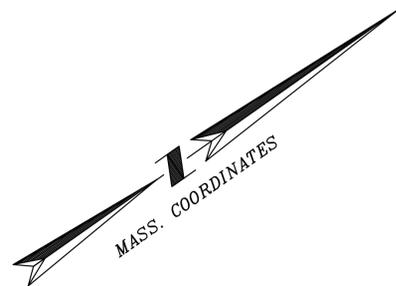
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NEXTGRID, INC.
PO BOX 7775 #73069
SAN FRANCISCO, CA 94120

BSC GROUP
349 Main Street - Route 28
West Yarmouth, Massachusetts
02673
508 778 8919

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SCALE: 1" = 60'
0 30 60 120 FEET

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DWG: DWG
JOB. NO: 5-0416.00
SHEET 5 OF 7

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NOT FOR CONSTRUCTION



7/17/20

BRIAN G. YERGATIAN
PROFESSIONAL ENGINEER

GROUND-MOUNTED PHOTOVOLTAIC SYSTEM
0 DEPOT ROAD
IN
HARWICH MASSACHUSETTS
(BARNSTABLE COUNTY)

UTILITY PLAN

JULY 17, 2020

REVISIONS:

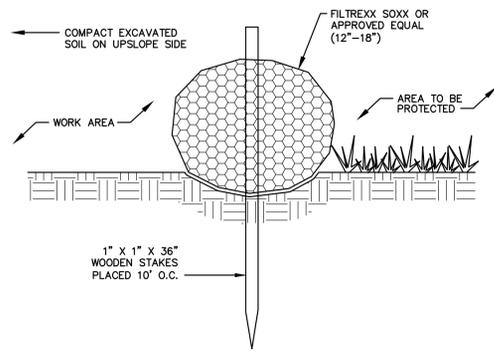
NO.	DATE	DESC.

PREPARED FOR:
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PO BOX 7775 #73069
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SCALE: 1" = 60'
0 30 60 120 FEET

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DWG: DWG
JOB: NO: 5-0416.00
SHEET 6 OF 7

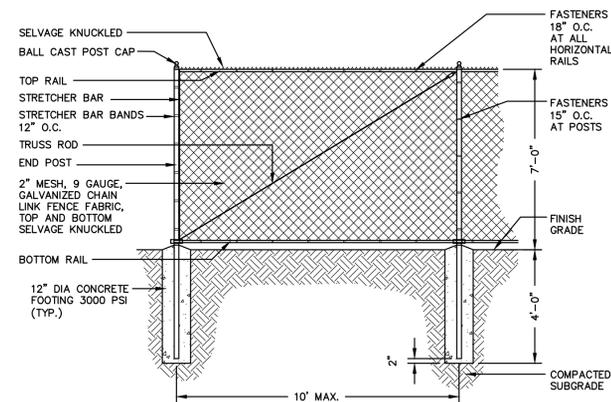


- NOTES:
1. ALL MATERIAL TO MEET FILTERSOXX SPECIFICATIONS.
 2. FILTER MEDIA FILL TO MEET APPLICATION REQUIREMENTS.
 3. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY THE ENGINEER.

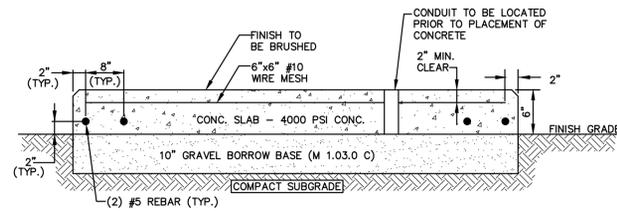
SILTSOXX
SCALE: NONE

CHAIN LINK FENCE FRAMEWORK SCHEDULE

FABRIC HEIGHT	6' OR LESS	>6' - <10'	10' OR MORE
END, CORNER & PULL POST	2.375" O.D.	2.875" O.D.	4" O.D.
LINE POST	1.900" O.D.	2.375" O.D.	2.875" O.D.
TOP AND BOTTOM RAIL	1.660" O.D.	1.660" O.D.	1.660" O.D.
MIDDLE RAIL	NONE	1.660" O.D.	1.660" O.D.

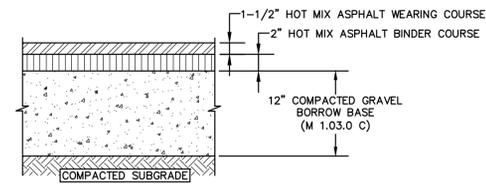


CHAIN LINK FENCE
SCALE: NONE



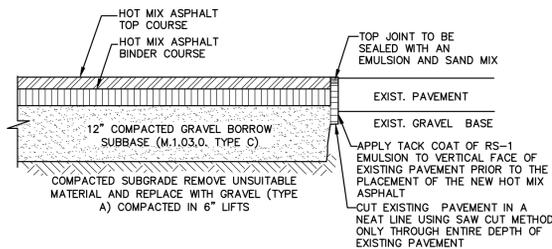
- NOTE:
1. FOR REFERENCE ONLY. FINAL TRANSFORMER PAD TO BE DESIGNED BY OTHERS.

TRANSFORMER PAD
SCALE: NONE



- NOTE:
- PAVEMENT SECTIONS ARE SUBJECT TO CHANGE AND WILL BE BASED ON THE RESULTS OF GEOTECHNICAL INVESTIGATIONS

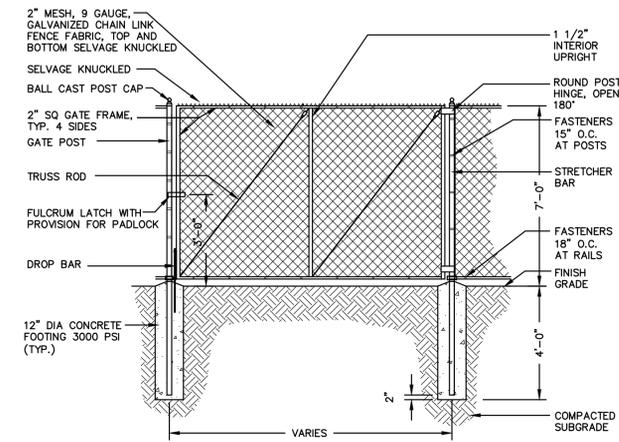
HOT MIX ASPHALT PAVEMENT SECTIONS
SCALE: NONE



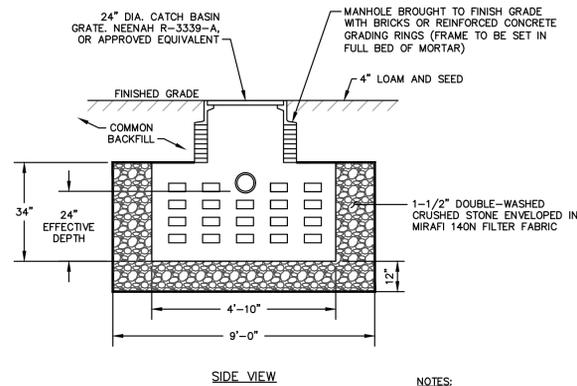
HOT MIX ASPHALT PAVEMENT JOINTS
SCALE: NONE

CHAIN LINK GATE FRAMEWORK SCHEDULE

GATE LEAF SINGLE WIDTH	6' OR LESS	>6' - <12'
GATE POST	2.875" O.D.	4" O.D.
GATE FRAME (4 SIDES)	2" SQ	2" SQ
INTERIOR UPRIGHT	NONE	1 1/2" SQ

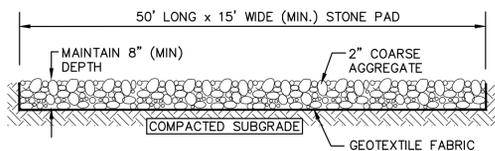
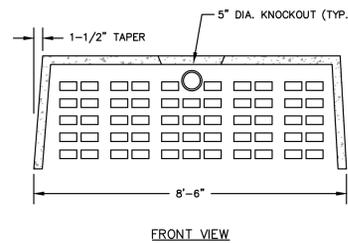


CHAIN LINK FENCE GATE
SCALE: NONE



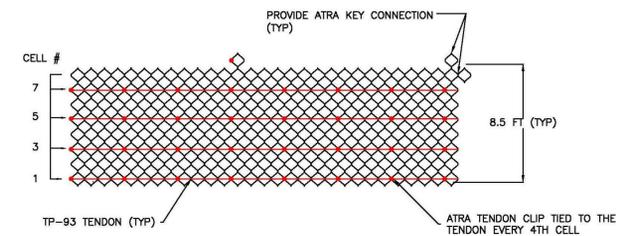
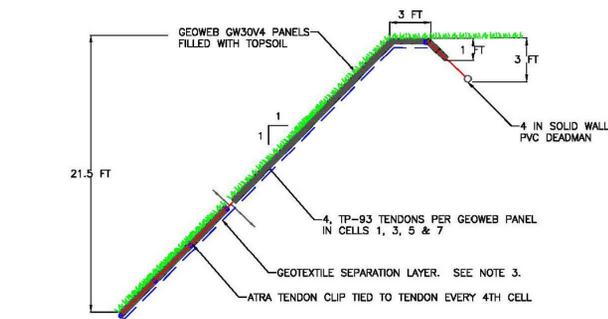
- NOTES:
1. EACH LEACHING CHAMBER PER SYSTEM SHALL HAVE A GRATED INLET RAISED TO FINISHED GRADE.
 2. COMMON BACKFILL SHALL BE FREE FROM LARGE ROCKS, DEBRIS AND OTHER OBJECTIONABLE MATERIALS.
 3. CHAMBERS SHALL BE 500 GALLON LEACHING DRYWELL, MANUFACTURED BY ACME/SHOREY OR APPROVED EQUAL.

500 GALLON CONCRETE LEACHING CHAMBER
NOT TO SCALE



TEMPORARY CONSTRUCTION ENTRANCE
SCALE: NONE

ISSUED FOR PERMITTING
NOT FOR CONSTRUCTION



- NOTES:
1. THIS EVALUATION IS COPYRIGHTED AND IS BASED ON THE USE OF PRODUCTS MANUFACTURED BY PRESTO PRODUCTS CO. ALL RIGHTS RESERVED. ANY USE OF THIS EVALUATION FOR ANY PRODUCT OTHER THAN THAT MANUFACTURED BY PRESTO MAKES THIS EVALUATION INVALID.
 2. THE EVALUATION ASSUMES THAT THE SLOPE IS GLOBALLY STABLE.
 3. IF REQUIRED, PROVIDE A NON-WOVEN GEOTEXTILE SEPARATION LAYER AND INSTALL IN ACCORDANCE WITH MANUFACTURER INSTRUCTIONS INCLUDING OVERLAPS.
 4. THE GEOWEB PANELS SHALL BE CONNECTED WITH ATRA KEYS AT EACH INTERLEAF AND END TO END CONNECTION.
 5. LIMIT THE DROP OF INFILL TO PREVENT DISTORTION OF THE CELL WALLS.
 6. PROVIDE SURFACE PROTECTION (HYDROSEED, ECB, OR TRM) SIZED FOR HYDRAULIC CONDITIONS TO PREVENT SOIL WASH-OUT PRIOR TO ESTABLISHMENT OF VEGETATION.

GEOWEB SLOPE PROTECTION DETAIL
SCALE: NONE



7/17/20

BRIAN G. YERGATIAN DATE
PROFESSIONAL ENGINEER

GROUND-MOUNTED PHOTOVOLTAIC SYSTEM

0 DEPOT ROAD
IN
HARWICH MASSACHUSETTS
(BARNSTABLE COUNTY)

DETAIL SHEET

JULY 17, 2020

REVISIONS:

NO.	DATE	DESC.

PREPARED FOR:
NEXTGRID, INC.
PO BOX 7775 #73069
SAN FRANCISCO, CA 94120

BSC GROUP
349 Main Street - Route 28
West Yarmouth, Massachusetts
02673
508 778 8919

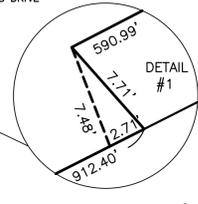
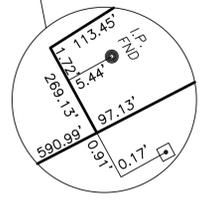
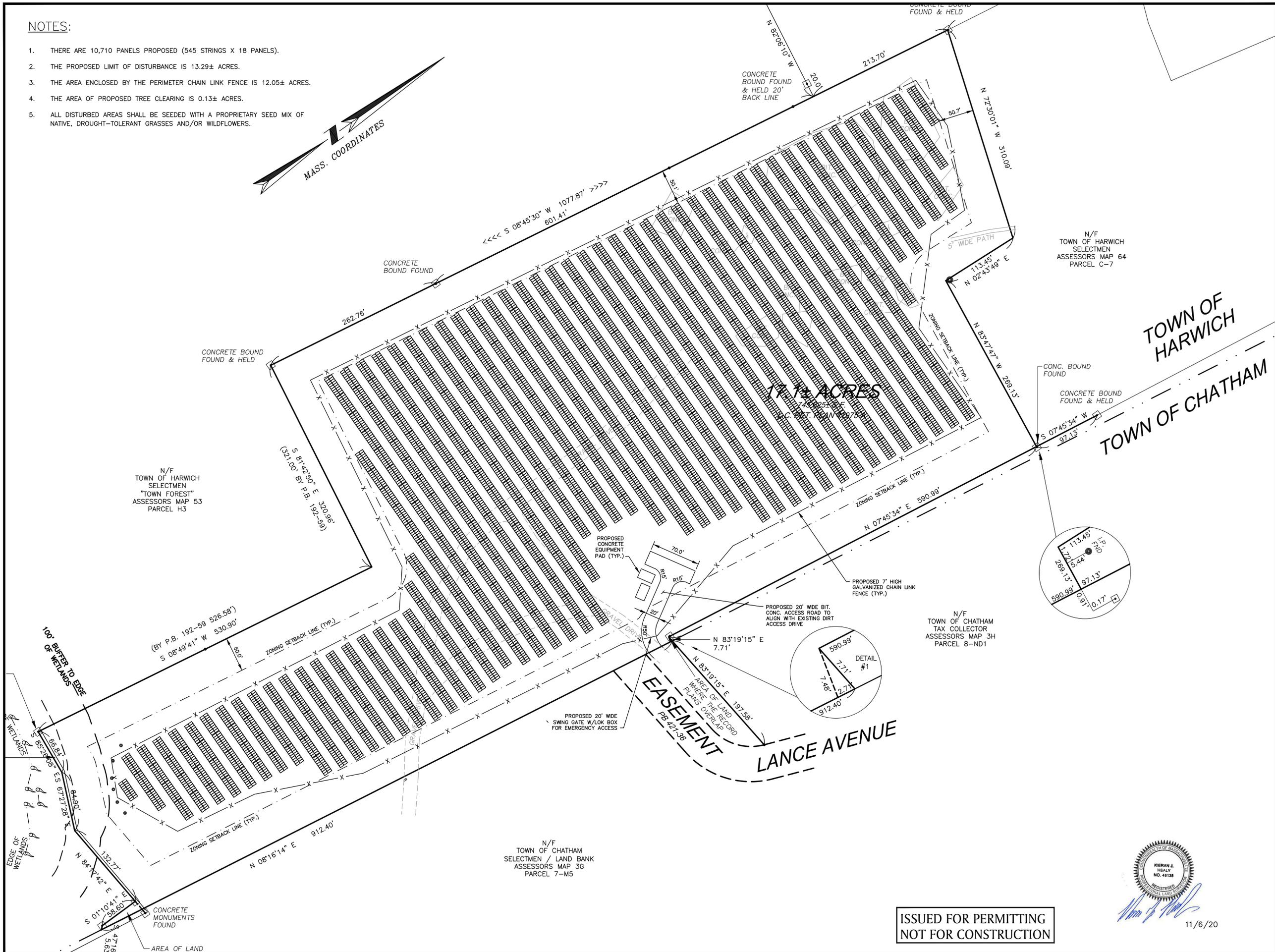
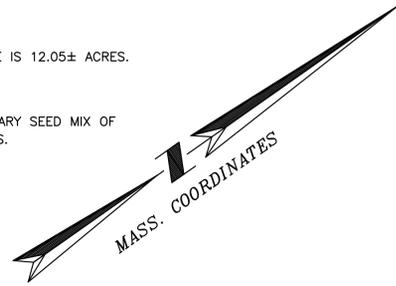
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SCALE: AS NOTED

FILE: 5041600-DET
DWG.:
JOB. NO: 5-0416.00 SHEET 7 OF 7



NOTES:

1. THERE ARE 10,710 PANELS PROPOSED (545 STRINGS X 18 PANELS).
2. THE PROPOSED LIMIT OF DISTURBANCE IS 13.29± ACRES.
3. THE AREA ENCLOSED BY THE PERIMETER CHAIN LINK FENCE IS 12.05± ACRES.
4. THE AREA OF PROPOSED TREE CLEARING IS 0.13± ACRES.
5. ALL DISTURBED AREAS SHALL BE SEEDED WITH A PROPRIETARY SEED MIX OF NATIVE, DROUGHT-TOLERANT GRASSES AND/OR WILDFLOWERS.



11/6/20

BRIAN G. YERGATIAN
PROFESSIONAL ENGINEER

GROUND-MOUNTED PHOTOVOLTAIC SYSTEM
0 DEPOT ROAD
IN
HARWICH MASSACHUSETTS
(BARNSTABLE COUNTY)

LAYOUT & MATERIALS PLAN
JULY 17, 2020

REVISIONS:

NO.	DATE	DESC.
1	11/06/20	ADD PLS STAMP

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PO BOX 7775 #73069
SAN FRANCISCO, CA 94120

BSC GROUP
349 Main Street - Route 28
West Yarmouth, Massachusetts
02673
508 778 8919



11/6/20

**ISSUED FOR PERMITTING
NOT FOR CONSTRUCTION**

PHOTOVOLTAIC SYSTEM FOR NEXTGRID - MILL HILL RD 0 DEPOT ROAD, HARWICH MA 02645

NOT FOR CONSTRUCTION

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NEXTGRID - HARWICH, MILL HILL RD

INTERCONNECTION APPLICATION
 Thursday, July 30, 2020

Edward M. Portney
 PROFESSIONAL ENGINEER
 No. 52223
 No. 16-712-04007

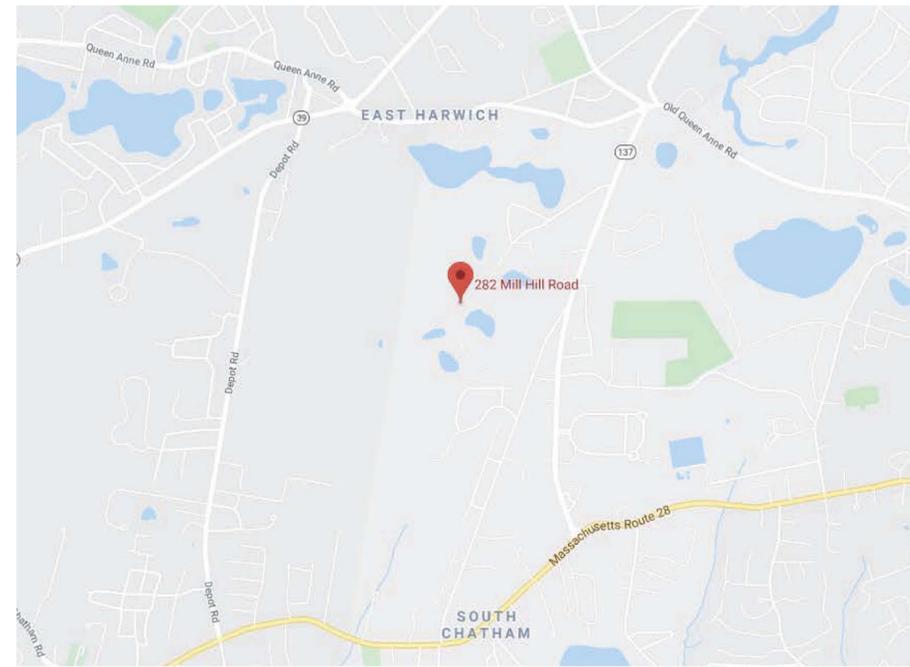
MARK	DATE	DESCRIPTION
-	11/15/2019	INTERCONNECTION APPLICATION
1	03/03/2020	WIRING TABLE
2	05/13/2020	NGR CALCULATIONS
3	07/30/2020	LINE EXTENSION, NGR CALCS

CONTRACTOR	NAME
	STREET
	CITY/ST/ZIP
	NOTES

SITE	NAME
	STREET
	CITY/ST/ZIP
	NOTES

FILE NAME	2019-1112 NextGrid - Chatham, Mill Hill Rd.pln
SCALE	AS NOTED
DRAWN BY	NL DATE DRAFTED: 7/30/2020
CHECKED BY	TP SHEET SIZE: ARCH D

DRAWING NO.	PV001
DRAWING TITLE	PV SITE PLAN

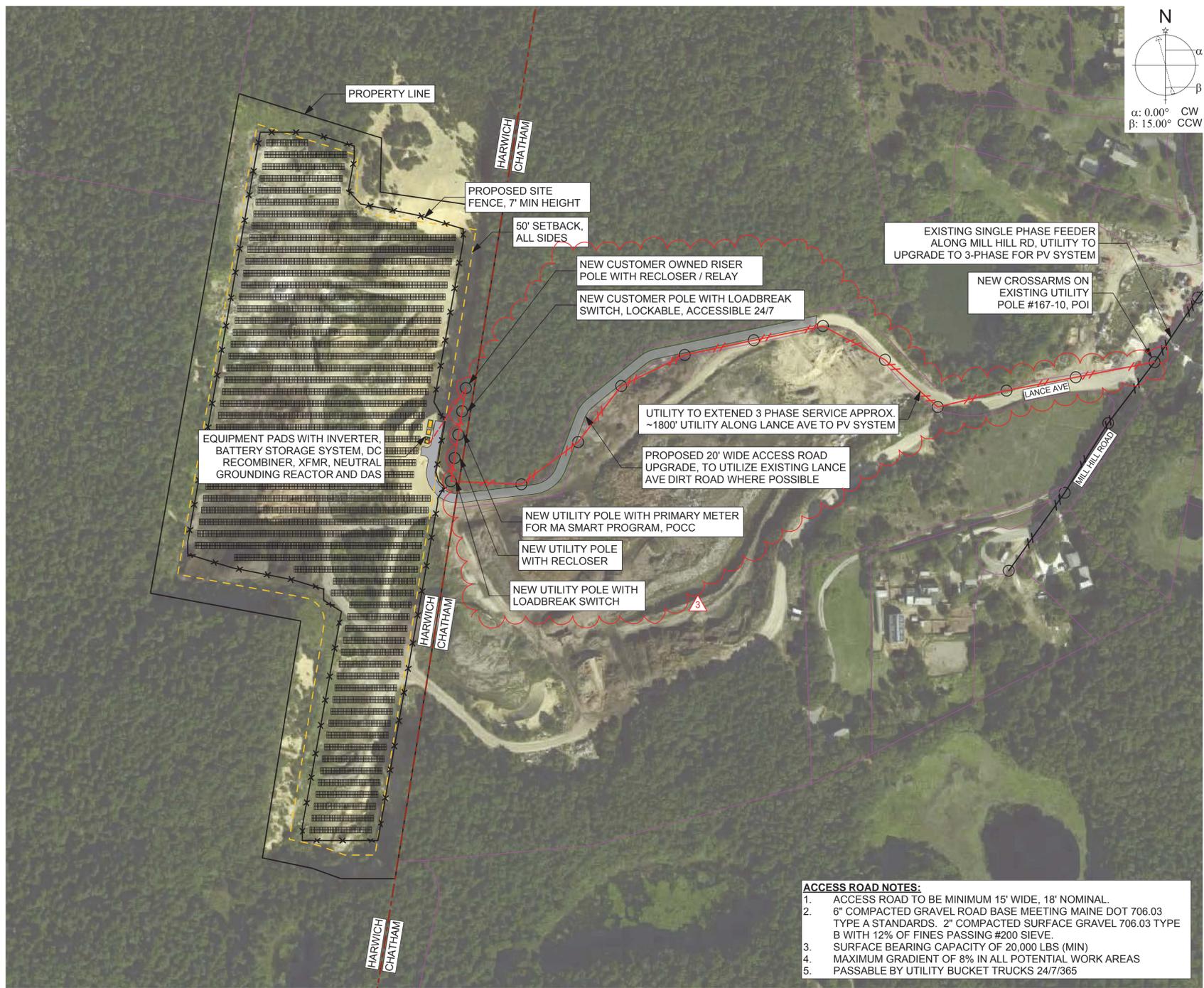


2 LOCUS MAP 0 1250' 2500'



3 SIMILAR ARRAY

APPLICABLE STANDARDS
 - 2017 NATIONAL ELECTRIC CODE
 - MASSACHUSETTS AMENDMENTS TO 2017 NEC
 - 6TH EDITION MASSACHUSETTS BUILDING CODE
 - 2017 NATIONAL ELECTRICAL SAFETY CODE
 - EVERSOURCE CONSTRUCTION STANDARDS
 - CHATHAM AND HARWICH, MA BUILDING & ELECTRICAL INSPECTORS (AHJs)



ACCESS ROAD NOTES:
 1. ACCESS ROAD TO BE MINIMUM 15' WIDE, 18" NOMINAL.
 2. 6" COMPACTED GRAVEL ROAD BASE MEETING MAINE DOT 706.03 TYPE A STANDARDS. 2" COMPACTED SURFACE GRAVEL 706.03 TYPE B WITH 12% OF FINES PASSING #200 SIEVE.
 3. SURFACE BEARING CAPACITY OF 20,000 LBS (MIN)
 4. MAXIMUM GRADIENT OF 8% IN ALL POTENTIAL WORK AREAS
 5. PASSABLE BY UTILITY BUCKET TRUCKS 24/7/365

1 4.038 MWdc (3.150 MWac) PV ARRAY WITH 10,225QTY 395W MODULES AT 20° TILT WITH 1.500 MWdc (6.094 MWhr) OF DC COUPLED STORAGE 0 64' 128' 256'

MODULES	DC POWER	AC POWER	TOTAL PV DC PRODUCTION	TOTAL AC PRODUCTION (NO BATTERY)	TOTAL AC PRODUCTION (w/ BATTERY)	PV ENERGY CLIPPED (w/ BATTERY)	PRODUCTION INCREASE %
10,225/395W	4.038 MWdc	3.150 MWac	4,972 MWhr/yr	4,859 MWhr/yr	4,879 MWhr/yr	0 MWhr/yr	0.42%

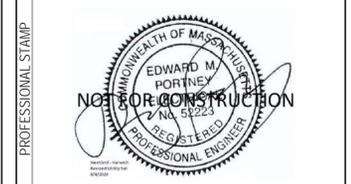
ESTIMATED ANNUAL ENERGY PRODUCTION BASED ON:
 HELIOSCOPE CALCULATOR
 SDA DC COUPLED STORAGE CALCULATOR

NOT FOR CONSTRUCTION

THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. CERTIFICATION OR VALIDATION IS TO BE DONE BY A PROFESSIONAL WITH EXPERTISE IN THE REQUIRED FIELD AND A LICENSE IN THE STATE THAT THE INSTALLATION WILL RESIDE. CERTIFICATION OR VALIDATION TO BE INCLUDED AS PART OF THE SUBMITTALS FOR PERMITTING OF THE OVERALL PROJECT.

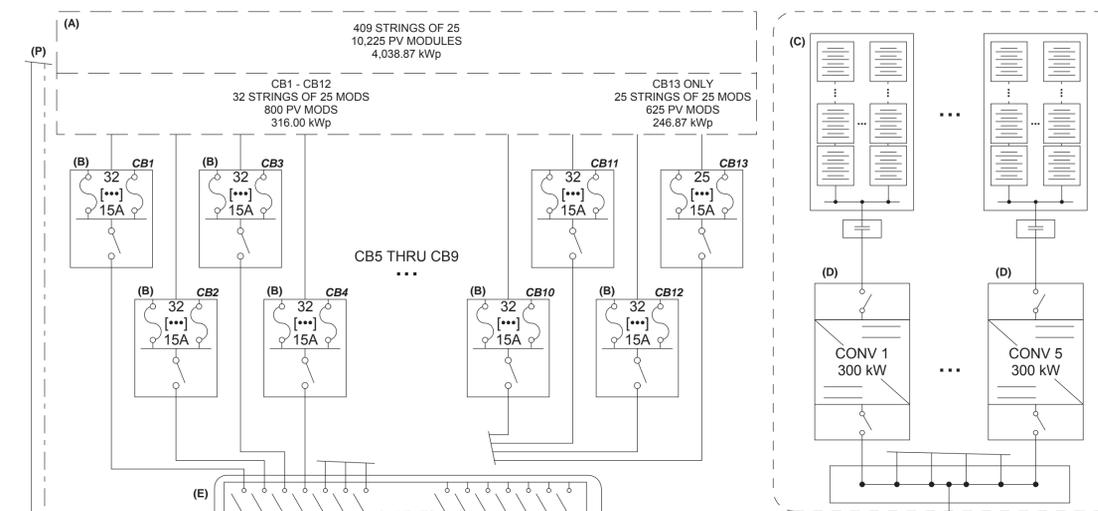
NEXTGRID - CHATHAM, MILL HILL RD

INTERCONNECTION APPLICATION
 Thursday, July 30, 2020



MARK	DATE	DESCRIPTION
1	11/15/2019	INTERCONNECTION APPLICATION
2	03/03/2020	WIRING TABLE
3	05/13/2020	NGR CALCULATIONS
4	07/30/2020	LINE EXTENSION, NGR CALCS

CONTRACTOR	NAME	STREET	CITY/ST/ZIP	NOTES
CONTRACTOR	NEXTGRID - CHATHAM, MILL HILL RD	0 DEPOT ROAD	CITY/ST/ZIP	HARVICH, MA 02645
FILE NAME	2019-1112 NextGrid - Chatham, Mill Hill Rd.pln			
SCALE	AS NOTED			
DRAWN BY	NL	DATE DRAFTED:	7/30/2020	
CHECKED BY	TP	SHEET SIZE:	ARCH D	
DRAWING NO.	PV601			
DRAWING TITLE	SINGLE LINE			



SITE CONDITIONS
 LOCATION: HARVICH, MA
 MAX AVG TEMP: 27 °C
 MIN EXPECTED TEMP: -16 °C

PV ARRAY CONFIGURATION
 Manufacturer: Canadian Solar HIMM
 Model: CS3U-395MS
 Module Qty: 10,225
 Modules per String: 25
 Total series strings: 409

PV MODULE OUTPUT*
 Voc: 53.3 Vdc
 Voc (Temp Adjusted): -0.29 %/°C
 Isc: 59.6 A
 Vmp: 43.9 Vdc
 Imp: 9.01 A

25 MODULE SOURCE CIRCUIT OUTPUT*
 Voc: 1,332.5 Vdc
 Voc (Temp Adjusted): 1,490.9 Vdc
 Isc: 9.55 A
 Vmp: 1,097.5 Vdc
 Imp: 9.01 A

32 STRING COMBINER OUTPUT
 Voc: 1,332.5 Vdc
 Voc (Temp Adjusted): 1,490.9 Vdc
 Isc: 305.6 A
 Vmp: 1,097.5 Vdc
 Imp: 288.3 A

25 STRING COMBINER OUTPUT
 Voc: 1,332.5 Vdc
 Voc (Temp Adjusted): 1,490.9 Vdc
 Isc: 238.7 A
 Vmp: 1,097.5 Vdc
 Imp: 225.2 A

PV INVERTER OUTPUT (SG3150U)*
 Rated Nominal Power @ 50 °C: 3,150 kW
 Operating Voltage Output (Phase-to-Phase): 630 Vac
 Max Continuous Output Current (Per Phase): 2,886 Aac
 Output Frequency: 60 Hz

TRANSFORMER OUTPUT (3150 KVA)
 Max Rated Power: 3,150 kVA
 Primary Voltage: 22,800 Vac L-L
 Secondary Voltage: 630 Vac
 Output Current: 79.74 Aac

*BASED ON MODULE PERFORMANCE AT STANDARD TEST CONDITIONS (STC)

TABLE 1: PHOTOVOLTAIC SYSTEM EQUIPMENT LIST

ITEM	DESCRIPTION	QUANTITY
(A)	CANADIAN SOLAR HIMM 395W MODULES, CS3U-395MS	10,225
(B)	CONNECTPV 1500Vdc COMBINER, 32 SPACES, 20A FUSES (+ POLE), 90C TERMINALS, 400A CONTINUOUS DUTY RATED DISCONNECT SWITCH, DISCONNECTING MEANS NEC 2017 COMPLIANT (+ & - POLES), NEMA4, CLASS 2 40KA INTEGRATED DC SURGE SUPPRESSION	13
(C)	SUNGROW BATTERY ENCLOSURE, 6.094 MWhr OF BATTERY STORAGE (4.06hr RUNTIME), NEMA3R	1
(D)	SUNGROW DC-DC CONVERTER, 300kW, 312.50Adc MAX OUTPUT CURRENT, 1500Vdc BATTERY INPUT, 1500V DC COMMON BUS OUTPUT, INTEGRATED DC DISCONNECT	5
(E)	SUNGROW 3150kW INVERTER, SG3150U, 630Vac Δ OUTPUT, 2886A MAX OUTPUT CURRENT, INTEGRATED DC & AC SURGE PROTECTION, DC & AC FUSED DISCONNECTS, NEMA3R	1
(F)	UNINTERRUPTIBLE POWER SUPPLY	1
(G)	CUSTOMER OWNED DAS	1
(H)	3150KVA PAD MOUNTED TRANSFORMER, 630Vdc SECONDARY, 13.16/22.8KV Yg PRIMARY, Z=5.75%, %I _{sc} =6.11, FIVE-LEG CORE DUAL SENSE BAY-O-NET FUSE, ELSP FUSE, PRIMARY TAPS 2.5% & 5% ABOVE & BELOW NOMINAL 22.8KV, 200A DEEP WELCH BUSHINGS	1
(I)	NEUTRAL GROUNDING REACTOR, 29.80 NEUTRAL TO GROUND, 16.0A CONT. NEUTRAL CURRENT, 538.2A 5s FAULT CURRENT, %I _{sc} =4, NEMA3R	1
(J)	NEW CUSTOMER OWNED RISER POLE WITH G&W VIPER RECLOSER, 25kV, 600A BUSHING, 3 LEAs, WITH SEL-651R RELAY CONTROLLER AND UPS BACKUP POWER WITH BATTERY BACKUP, C20 CLASS, 0.15B-1.8 CTs W/ 45VA BURDEN (1.8Ω RESISTOR), RATIOS AS INDICATED	1
(K)	CUSTOMER OWNED POLE WITH 25KV LOADBREAK SWITCH, MANUAL, THREE PHASE, GANG-OPERATED, VISIBLE, LOCKABLE INTERRUPTER DISPATCH POINT OF DEMARCATION, MOMENTARY 40KA ASY (25KA 3-SEC) INTERRUPT RATING, COOPER POWER M-FORCE #M2HA2SR2-CHT2	1
(L)	NEW UTILITY OWNED PRIMARY METERING POLE FOR MA SMART PROGRAM, POINT OF COMMON COUPLING	1
(M)	NEW UTILITY OWNED RECLOSER POLE	1
(N)	NEW UTILITY OWNED LOADBREAK POLE	1
(O)	18KV, 15.3KV MCOV LIGHTNING ARRESTORS, DISTRIBUTION CLASS	6
(P)	WEATHER STATION WITHIN ARRAY; PLANE OF ARRAY IRRADIANCE, MODULE TEMP, AMBIENT TEMP	1

TABLE 3: TRIP LEVEL SETTINGS TO STOP INVERTER

ID	DESCRIPTION	SETPOINT	TOTAL CLEAR TIME
1	LINE UNDER VOLTAGE (FAST)	315.0 V	1.1 SEC
2	LINE UNDER VOLTAGE (SLOW)	554.4 V	2.0 SEC
3	LINE OVER VOLTAGE (SLOW)	693.0 V	2.0 SEC
4	LINE OVER VOLTAGE (FAST)	756.0 V	0.16 SEC
5	LINE UNDER FREQUENCY (FAST)	56.5 Hz	0.16 SEC
6	LINE UNDER FREQUENCY (SLOW)	58.5 Hz	300 SEC
7	LINE OVER FREQUENCY (SLOW)	61.2 Hz	300 SEC
8	LINE OVER FREQUENCY (FAST)	62.0 Hz	0.16 SEC

INVERTER NOTES:
 1. INVERTER TOTAL CLEARING TIME INCLUDES MECHANICAL OPERATION TIME OF 3 CYCLES (0.05s).
 2. UTILITY RESTORATION DETECTION WILL USE THE FACTORY SETTINGS FOR A UL 1741 SA CERTIFIED INVERTER.

GENERAL EQUIPMENT NOTES:
 1. ALL EQUIPMENT TO BE RATED FOR USE AS SERVICE ENTRANCE EQUIPMENT.

LOADBREAK NOTES:
 1. LOADBREAK WILL BE SERVICE RATED AND ACCESSIBLE AND LOCKABLE 24/7.
 2. LOADBREAK RATED FOR 20KA FAULT CURRENT

NOTE: UTILITY EQUIPMENT SHOWN FOR REFERENCE ONLY - FINAL DESIGN BY EVERSOURCE

UTILITY INSTALLED EQUIPMENT
 POLE #1 - UTILITY POLE W/ LOADBREAK
 POLE #2 - UTILITY OWNED RECLOSER POLE
 POLE #3 - UTILITY PRIMARY METERING POLE, MA SMART METER

CUSTOMER INSTALLED EQUIPMENT
 POLE #4 - CUSTOMER LOADBREAK POLE
 POLE #5 - CUSTOMER RISER POLE W/ RECLOSER

TABLE 2: PROPOSED SEL-651R RELAY SETTINGS

ELEMENT	PRI. PICKUP	SEC. PICKUP	TOTAL CLEAR TIME
UNDERVOLTAGE (27-1)	6,581.5V	24.68V	66 CYC (1.10 SEC)
UNDERVOLTAGE (27-2)	11,583.9V	43.43V	120 CYC (2.00 SEC)
OVERVOLTAGE (59-1)	14,479.9V	54.29V	120 CYC (2.00 SEC)
OVERVOLTAGE (59-2)	15,796.3V	59.23V	10 CYC (0.16 SEC)
UNDERFREQUENCY (81U-1)		56.5 Hz	10 CYC (0.16 SEC)
UNDERFREQUENCY (81U-2)		58.5 Hz	18,000 CYC (300 SEC)
OVERFREQUENCY (81O-1)		61.2 Hz	18,000 CYC (300 SEC)
OVERFREQUENCY (81O-2)		62.0 Hz	10 CYC (0.16 SEC)
INST. OVERCURRENT (50)	318.98A	3.19A	INSTANTANEOUS
OVERCURRENT (51P)	139.55A	1.40A	U4 CURVE, TD = 2.0
OVERCURRENT (51G)	39.8A	0.40A	U4 CURVE, TD = 1.5
AUTORECLOSING (79)	12,505V ≤ V ≤ 13,821V	46,899V ≤ V ≤ 51,833V	18k CYC (300 SEC)
	59.5 ≤ f ≤ 60.5		

RELAY NOTES:
 1. SEL-651R RELAY TO BE HARDWIRED TO TRIP UNDER THE ABOVE VOLTAGE, CURRENT & FREQUENCY SETTINGS AND UPON LOSS OF DC SUPPLY POWER. RECLOSER WILL TRIP OFFLINE IN 2 SECONDS OR LESS UPON LOSS OF DC SUPPLY POWER AND WILL BLOCK AUTO-RECLOSE FUNCTIONALITY.
 2. BASE SECONDARY VOLTAGE = $(13.8kV / \sqrt{3}) * 10000 / (300/8) = 49.36V$
 3. TIME DELAY SHOWN IS TOTAL CLEAR TIME, WHICH INCLUDES MECHANICAL OPERATION TIME OF 3 CYCLES (0.05 SEC).
 4. ELEMENT 79 (RE-CLOSING) TO BE ENABLED WITH 5 MINUTE "HEALTHY GRID" RECONNECT FEATURE. THIS SHALL DEFEAT THE CLOSE BUTTON AND BLOCK CLOSE UNTIL THE 5 MINUTE TIMER HAS EXPIRED. RE-CLOSE FUNCTION SHALL BE DISABLED IF PRIOR TRIP WAS DUE TO AN OVERCURRENT EVENT.
 5. ALL RELAY SETTINGS ARE TO BE REVIEWED BY UTILITY AND ARE SUBJECT TO CHANGE, PENDING FINAL UTILITY APPROVAL.
 6. POWER SUPPLY SCHEMATIC WILL BE SUBMITTED FOR APPROVAL PRIOR TO WITNESS TEST.
 7. INTERCONNECTION INTERRUPTING DEVICE SHALL HAVE DC TRIP COILS AND TRIPPING ENERGY SHALL BE DERIVED FROM 24VDC UPS-STYLE STATION BATTERY TO ALLOW FOR APPROXIMATELY 8 HR RUN TIME.
 8. ELEMENT 79 TIMER WILL RESET IF UTILITY VOLTAGE OR FREQUENCY FALLS OUTSIDE OF NORMAL WINDOW

NEUTRAL REACTOR CALCULATIONS

kV =	22.8	(GROUNDING XFMR VOLTAGE)
MVA _{PV} =	3.150	(TOTAL PV PLANT MVA RATING)
Z _{BASE} = kV ² / MVA _{PV} =	165.0	Ω
X _{0,DC} = 0.6 * Z _{BASE}	99.0	+/-10% Ω
X _{0,XFMR} = 0.0575 * Z _{BASE}	9.49	Ω
X _{0,NGR}	89.5	Ω
X _{NGR}	29.8	+/-10% Ω
VERIFY X _{0,DC} / R _{0,DC} = 4 OR GREATER		
R _{0,DC}	24.75	Ω
		X ₀ / R ₀ RATIO MUST BE GREATER THAN OR EQUAL TO 4
ASSUMING VOLTAGE IMBALANCE (V ₀) OF	4%	
I _{BASE} = V _{BASE} / Z _{BASE}	79.7	A
I _{0,0} = V ₀ / Z ₀	0.067	P.U.
I ₀ = I _{BASE} * I _{0,0}	5.34	A
I _{CONT} = 3 * I ₀	16.0	A
USING INVERTER FAULT CURRENT CONTRIBUTION	119.6	A
3 * I ₀	358.8	A
150% OF 3 * I ₀	538.2	A
		5 SEC WITHSTAND RATING

NGR REFERENCES
 IEEE STD 142-2007
 IEEE P1547.8/D8
 IEEE STD C62.92.1-2000
 IEEE STD C62.92.4-2000
 IEEE STD 32-1972

- TRANSFORMER NOTES**
- TRANSFORMER SHALL BE THREE PHASE, SELF COOLED, AND DESIGNED FOR STEP-UP OPERATION. TRANSFORMER SHALL BE UL LISTED, PAD MOUNT, DISTRIBUTION TYPE TRANSFORMERS SHALL COMPLY WITH THE LATEST ISSUE OF IEEE/ANSI C57.12.54.
 - TRANSFORMER SHALL OPERATE AT 60 HZ NOMINAL AND SHALL BE TOLERANT OF CONTINUOUS FREQUENCIES BETWEEN 56.5 HZ AND 62.0 HZ.
 - TRANSFORMER SHALL BE CAPABLE OF OPERATING AT 1 P.U. VOLTAGE AT FULL LOAD FOR PERIODS OF TIME TYPICAL OF THE EXPECTED GENERATION PROFILE.
 - LOW VOLTAGE WINDING CONFIGURATION IS REQUIRED TO BE 480V GROUNDING WYE WITH A FULLY INSULATED NEUTRAL.
 - TRANSFORMER SHALL BE FURNISHED WITH HIGH VOLTAGE TAPS WITH A MINIMUM OF TWO 2 1/2% TAPS ABOVE AND BELOW NAMEPLATE RATING.

- GROUNDING NOTES:**
- PV INVERTER GEC TO BE SIZED PER NEC 250.166. COPPER GROUNDING ELECTRODE ROD 3/4" x 10' MIN TO BE USED.
 - TRANSFORMER GEC TO BE SIZED PER NEC 250.66. COPPER GROUNDING ELECTRODE ROD 3/4" x 10' MIN TO BE USED. FROM TRANSFORMER EARTH GROUND TO COPPER GEC, GROUND SYSTEM RESISTANCE SHALL BE 25 OHMS OR LESS.

TABLE 4: CONDUIT AND WIRING SCHEDULE

ID	AMPERAGE ¹	OCPD	FUNCTION	EST. LENGTH	# OF WIRES	WIRE SIZE (AWG)	NEUTRAL SIZE	GROUND SIZE	CONDUIT SIZE
(1)	2886 Aac	-	INVERTER OUTPUT	20 FT.	-	THROAT CONNECTION ²	-	-	THROAT CONNECTION
(2a)	79.74 Aac	-	XFMR OUTPUT (UG)	1500 FT.	3+G	1/0 25kV Al MV-105 ³	FULL CONCENTRIC	N/A	4" SCH 40 & 80 PVC
(2b)	79.74 Aac	-	XFMR OUTPUT (OH)	160 FT.	3+G	1/0 kcmil ACSR	-	N/A	OPEN AIR

- WIRE TABLE NOTES:**
- ALL AC CURRENTS ARE NOMINAL PER-PHASE VALUES
 - 8 SETS OF 500KCMIL CU WIRE WITH 500KCMIL GROUND CAN BE USED AS AN ALTERNATIVE.
 - MV-105 CONDUCTORS TO BE SINGLE CONDUCTOR, 133% INSULATION, 15KV CLASS, WITH FULL CONCENTRIC NEUTRAL



HiDM

HIGH DENSITY MONO PERC MODULE
395 W ~ 410 W
CS1U-395|400|405|410MS

MORE POWER

- ↑ UP TO 19.89% Maximize the light absorption area, module efficiency up to 19.89 %
- 42°C Low NMOT: 42 ± 3 °C Low temperature coefficient (Pmax): -0.37 % / °C
- ⊕ Better shading tolerance

25 years linear power output warranty

10 years product warranty on materials and workmanship

MORE RELIABLE

- ⬇ Lower internal current, lower hot spot temperature
- 🛡 Cell crack risk limited in small region, enhance the module reliability
- ❄ Heavy snow load up to 5400 Pa, wind load up to 2400 Pa

MANAGEMENT SYSTEM CERTIFICATES*

ISO 9001:2015 / Quality management system
 ISO 14001:2015 / Standards for environmental management system
 OHSAS 18001:2007 / International standards for occupational health & safety

PRODUCT CERTIFICATES*

IEC 61215 / IEC 61730 / VDE / CE / CEC / AU
 IEC61701 ED2 / VDE / IEC62116 / VDE
 UL 1703 / CSA

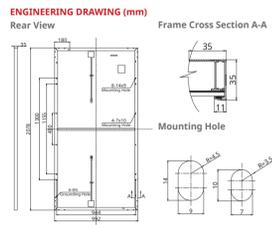
Take-e-way



* We can provide this product with special BOM specifically certified with salt mist, and ammonia tests. Please talk to our local technical sales representatives to get your customized solutions.

CANADIAN SOLAR (USA) INC. is committed to providing high quality solar products, solar system solutions and services to customers around the world. No. 1 module supplier for quality and performance/price ratio in IHS Module Customer Insight Survey. As a leading PV project developer and manufacturer of solar modules with over 30 GW deployed around the world since 2001.

CANADIAN SOLAR (USA) INC.
 3000 Oak Road, Suite 400, Walnut Creek, CA 94597, USA | www.canadiansolar.com/na | sales.us@canadiansolar.com



ELECTRICAL DATA | STC*

CS1U	395MS	400MS	405MS	410MS
Nominal Max. Power (Pmax)	395 W	400 W	405 W	410 W
Opt. Operating Voltage (Vmp)	43.9 V	44.1 V	44.3 V	44.5 V
Opt. Operating Current (Imp)	9.01 A	9.08 A	9.16 A	9.23 A
Open Circuit Voltage (Voc)	53.3 V	53.4 V	53.5 V	53.6 V
Short Circuit Current (Isc)	9.55 A	9.60 A	9.65 A	9.70 A
Module Efficiency	19.16%	19.40%	19.65%	19.89%
Operating Temperature	-40°C ~ +85°C			
Max. System Voltage	1500V (IEC/UL) or 1000V (IEC/UL)			
Module Fire Performance	TYPE 1 (UL 1703) or CLASS C (IEC 61730)			
Max. Series Fuse Rating	20 A			
Application Classification	Class A			
Power Tolerance	0 ~ +5 W			

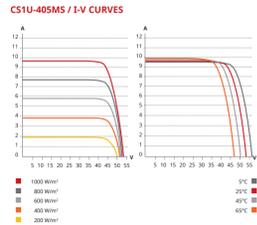
ELECTRICAL DATA | NMOT*

CS1U	395MS	400MS	405MS	410MS
Nominal Max. Power (Pmax)	295 W	298 W	302 W	306 W
Opt. Operating Voltage (Vmp)	40.1 V	40.2 V	40.4 V	40.6 V
Opt. Operating Current (Imp)	7.36 A	7.42 A	7.47 A	7.53 A
Open Circuit Voltage (Voc)	50.1 V	50.2 V	50.3 V	50.4 V
Short Circuit Current (Isc)	7.70 A	7.74 A	7.78 A	7.82 A

* Under Nominal Module Operating Temperature (NMOT), irradiance of 800 W/m², spectrum AM 1.5, ambient temperature 20°C, wind speed 1 m/s.

The specifications and key features contained in this datasheet may deviate slightly from our actual products due to the on-going innovation and product enhancement. Canadian Solar Inc. reserves the right to make necessary adjustment to the information described herein at any time without further notice.

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MECHANICAL DATA

Specification	Data
Cell Type	Mono-crystalline
Dimensions	2078 x 992 x 35 mm (81.8 x 39.1 x 1.38 in)
Weight	23.4 kg (51.6 lbs)
Front Cover	3.2 mm tempered glass
Frame	Anodized aluminum alloy
J-Box	IP67, 4 bypass diodes
Cable length	4.0 mm² (IEC), 12 AWG (UL)
Landscaping	650 mm (25.6 in) portrait; 750 mm (29.5 in) landscape; 1780 mm (70.1 in) connection
Connector	TYPE 1 (UL 1703) or CLASS C (IEC 61730)
Per Container (40' HQ)	30 pieces
Per Pallet	660 pieces

TEMPERATURE CHARACTERISTICS

Specification	Data
Temperature Coefficient (Pmax)	-0.37 % / °C
Temperature Coefficient (Voc)	-0.29 % / °C
Temperature Coefficient (Isc)	0.05 % / °C
Nominal Module Operating Temperature	42 ± 3 °C

PARTNER SECTION



1500V Disconnect Combiners

ConnectPV Disconnect Combiner products are based on a core product architecture optimized for commercial and utility scale solar projects, simplifying design and specification. Options and accessories allow the designer to optimize the products for each project by reducing installation labor costs.

ConnectPV products incorporate best-in-class components combined with rugged mechanical designs to maximize reliability over the projected life of the project.

Compatible with grounded systems - negatively or positively grounded with fuses on the ungrounded string input conductors, or ungrounded systems with fuses on both string input conductors.

Standard Product Features

- 250A, 320A, and 400A UL988 Certified Manual Disconnects
- Lock-Out/Tag-Out on Disconnect Handle
- 8-32 Fused Inputs, #14-#6 AWG Wire Range
- Touch Safe Fuse-holders
- 15A Fuse Typical, 30A Maximum fuse specified
- M10 or M12 Studs provided for single or double hole lugs
- Accommodates 90C Cu/Al Mechanical or Compression Lugs
- Internal Safety Cover over all live components
- NEMA 3R, 4, and 4X Enclosures
- Padlock Latch for Door
- Unique Serial number per unit
- Labelling to meet NEC Requirements
- 5 Year Warranty



Product Options

- Class 2 40kA Surge Protective Device
- Mechanical Lugs Installed or Compression Lugs Included
- Breather Vents for High Humidity Locations
- H4 or MC4 Bulkhead or Whip Connectors Installed
- Upsized Enclosures for Larger Output Wires
- Mounting Brackets Installed
- Extended Warranty



ConnectPV reduces electrical BOS project costs by simplifying:

- ▶ **Configuration**
Design Engineers easily configure our products to meet the project requirements *(Simplifying design and specification)*
- ▶ **Installation**
Field installers quickly install our products because they provide ample wiring room - *Reducing installation time and labor cost*
- ▶ **Regulation**
AHJ Inspectors quickly review and approve our products because we have designed for 100% compliance with the NEC and UL Standards *(Reducing project inspection and approval time)*
- ▶ **Operation**
O&M Personnel reduce field service time because our products use high quality components and are designed for a 20 year life expectancy *(Maximizing system revenue generation)*

Typical Input Characteristics		Grounded Systems		Floating Systems	
Input Circuits	Standard Disconnect Ampacity	Input Wire Size	Output Type	NEMA 4 Steel (inches)	NEMA 4X Fiberglass (inches)
16	250	#14-#4 AWG Copper	M10 Stud	24x24x8	24x30x8
20	250			24x24x8	24x30x8
24	320			24x24x8	24x30x8
28	400	M12 Stud	M12 Stud	30x24x8	30x30x8
32	400			30x30x8	36x36x8

* Painted Stainless Steel NEMA 4X
 Standard Disconnects sized at 1.25x Sum(Isc) per UL 1741.
 Upsize Disconnect available at 1.56x Sum(Isc) for OCPD coordination.
 High Ampacity Input Versions available: e.g., 12 input, 400A with 30A fuses
 Specifications Subject to Change

Model Numbers are derived from the following template: CBXVVV-##(D)S-FFAA-EE

V Voltage	T Topology	## Disconnect Rating	FF String Count	AA Fuse Rating	EE Enclosure Type
15 = 1500V	G=Grounded F= Floating	250A, 320A, or 400A	08-32 2 string increments	02-30 15A Typical	N4 = Carbon Steel 4X = Fiberglass*

Additional Options and Accessories Available

Stainless Steel Available

ABOUT CONNECTPV INC.

Based in San Diego, CA, ConnectPV Inc. delivers expertise and experience. We bring over 10 years of Solar PV industry experience in electrical Balance of System products coupled with more than 25 years of high quality, ISO9001:2008 certified, manufacturing expertise. We actively work with our customers to deliver innovative, high quality, and cost effective solutions.



Contact Toll Free: (844)-246-6140 | www.connectpv.com | San Diego, CA | Contact Toll Free: (844)-246-6140 | www.connectpv.com | San Diego, CA

SG3150U/SG2500U New



SG3150U/SG2500U

Turnkey Station for North America 1500 Vdc System



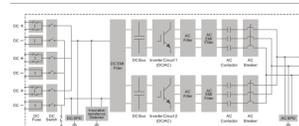
- ⚡ **HIGH YIELD**
Advanced three-level technology, max. efficiency 98.8%, CEC efficiency 98.5 %
Max. DC/AC ratio more than 1.5

- 💡 **EASY O&M**
Integrated current and voltage monitoring function for online analysis and fast trouble shooting
Modular design, easy for maintenance
Convenient external LCD

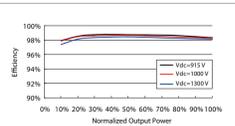
- 💰 **SAVED INVESTMENT**
Low transportation and installation cost due to 10-foot container design
1500V DC system, low system cost
Integrated LV auxiliary power supply

- 🏗 **GRID SUPPORT**
Complies with UL 1741, UL 1741 SA, IEEE 1547, Rule 21 and NEC 2014/2017
Grid support including L/HVRT, L/HFRT, power ramp rate control, active and reactive power support

CIRCUIT DIAGRAM



EFFICIENCY CURVE (SG3150U)



Type designation	SG3150U	SG2500U
Input (DC)		1500V
Max. PV input voltage		1500V
Min. PV input voltage / Startup input voltage	915 V / 955 V	800 V / 840 V
MPP voltage range for nominal power	940 ~ 1300 V	800 ~ 1300 V
No. of independent MPP inputs	1	1
No. of DC inputs	18 ~ 24	18 ~ 21
Max. PV input current	3420 A	3508 A
Max. DC short-circuit current		4800 A
Output (AC)		
AC output power	3150 kVA @ 45 °C (113 °F)	2750 kVA @ 45 °C (113 °F) / 2500 kVA @ 50 °C (122 °F)
Max. AC output current		2886 A
Nominal AC voltage	630 V	550 V
AC voltage range	554 - 690 V	554 - 690 V / 484 - 605 V
Nominal grid frequency / Grid frequency range	60 Hz / 55 ~ 65 Hz	60 Hz / 55 ~ 65 Hz
THD	< 3 % (at nominal power)	
DC current injection	< 0.5 % of nominal output current	
Power factor at nominal power / Adjustable power factor	> 0.99 / 0.8 leading ~ 0.8 lagging	
Feed-in phases / Connection phases	3 / 3	
Efficiency		
Max. efficiency	98.8%	
CEC efficiency	98.5%	
Protection		
DC input protection	Load break switch + fuse	
AC output protection	Circuit breaker	
Overvoltage protection	DC Type II / AC Type II	
Grid monitoring / Ground fault monitoring	Yes / Yes	
Insulation monitoring	Optional	
Q at night function	Optional	
Overheat protection	Yes	
General Data		
Dimensions (W*H*D)	2991*2896*2438 mm (117.8"*114.0"*96.0")	
Weight	6.9 T (15211 lbs)	
Isolation method	Transformerless	
Degree of protection	NEMA 3R	
Auxiliary power supply	120 Vac, 5 kVA / Optional: 480 Vac, 30 kVA	
Operating ambient temperature range	-30 to 60 °C (-45 °C derating) / (-22 to 140 °F (> 122 °F derating))	
Allowable relative humidity range (non-condensing)	0 ~ 95%	
Cooling method	Temperature controlled forced air cooling	
Max. operating altitude	4000 m (> 20000 m derating) (13123 ft (> 6561 ft derating))	
Display	Touch screen	
Communication	Standard: RS485, Ethernet, Optional: optical fiber	
Compliance	UL 1741, IEEE 1547, UL1741 SA, NEC 2014 / 2017, CSA C22.2 No.1071-01	
Grid support	L/HVRT, L/HFRT, active & reactive power control and power ramp rate control, Volt-var, Frequency-watt	

ST3577KWH-D1500HV

+SG3150U

Storage System

BATTERY STORAGE SIZE TO BE MODIFIED TO 6094kWhr



HIGH INTEGRATION

- DC coupled energy storage system integrated with PV inverter
- Prepared energy storage and PV interfaces for easy system integration

SAFE AND RELIABLE

- DC electric circuit safety management includes fast breaking and anti-arc protection
- Multi-state monitoring and linkage actions ensure battery system safety

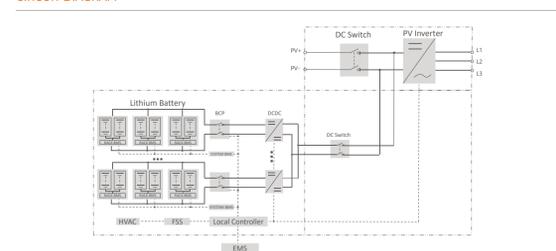
EFFICIENT AND FLEXIBLE

- Intelligent cell-level temperature control ensures higher efficiency and longer battery cycle life
- Modular design supports parallel connection and easy system expansion

SMART AND FRIENDLY

- Integrated local controller enables single point of communication interface
- Fast state monitoring and faults record enables pre-alarm and faults location

CIRCUIT DIAGRAM



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ST3577KWH-D1500HV+SG3150U

BATTERY STORAGE SIZE TO BE MODIFIED TO 6094kWhr

System Type	ST3577KWH-D1500HV+SG3150U
Inverter Data	
Product Model	SG3150U
AC output power	3150 kVA @ 45 °C / 113 °F)
Max. AC output current	2,886 A
Nominal AC voltage	630 V
AC voltage range	554 - 690 V
Nominal grid frequency / Grid frequency range	60 Hz / 55 ~ 65 Hz
Power factor at nominal power / Adjustable power factor	> 0.99 / 0.8 leading ~ 0.8 lagging
Feed-in phases / Connection phases	3 / 3
Max. PV input voltage	1500 V
MPPT voltage range for nominal power	940 ~ 1300 V
Number of PV inputs	18 ~ 24
Max. PV input current	4,983 A
Energy Storage System Data	
Unit Model	ST3577KWH-D1500HV
Number of Unit	1
Cell type	Samsung SDI Mega E3, 3.68 V / 100 Ah
Configuration of Battery system	2P324S * 1S
Battery capacity (BOL)	3,577 kWh
Battery voltage range	1,036.8 ~ 1,344.6 V
Working voltage (DCDC)	500 ~ 1500 V
Voltage range for nominal power (DCDC)	960 ~ 1350 V
Nominal power (DCDC)	300 kW * 5
Max. current (DCDC)	312.5 A * 5
General Data	
Dimensions (W * H * D) of battery unit	12,192 * 2,896 * 2,438 mm / 480.0" * 114.0" * 96.0"
Weight (with / without battery) of battery unit	40,000 kg / 17,000 kg 88,196 lbs / 37,478 lbs
Dimensions (W * H * D) of PV inverter	2,991 * 2,896 * 2,438 mm / 117.8" * 114.0" * 96.0"
Weight of PV inverter	6,900 kg / 15,211 lbs
Degree of protection	IP 54 / NEMA 3R
Operating temperature range	-30 to 50 °C / -22 to 122 °F
Relative humidity	0 ~ 95 % (non-condensing)
Max. working altitude	2,000 m / 6,562 ft
Cooling concept of battery unit	Heating, Ventilation and Air Conditioning
Fire suppression system of battery unit	FM200 extinguishment system
Communication interfaces	RS485, Ethernet
Communication protocols	Modbus RTU, Modbus TCP
Compliance	UL9540 (pending)

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NextGrid

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NOT FOR CONSTRUCTION

INTERCONNECTION APPLICATION

Thursday, July 30, 2020



NOT FOR CONSTRUCTION

MARK DATE DESCRIPTION

1 03/03/2020 INTERCONNECTION APPLICATION

2 05/13/2020 WIRING TABLE

3 07/30/2020 NGR CALCULATIONS

LINE EXTENSION, NGR CALCS

CONTRACTOR NAME

STREET CITY/ST/ZIP

SEL-651R

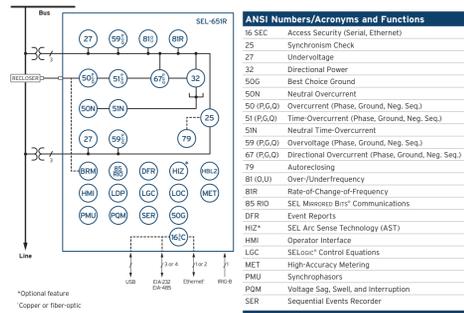
Advanced Recloser Control



Powerful and flexible recloser control for many popular reclosers

- Plug-and-work operation with multiple recloser types simplifies installations, reduces training, and reduces operation errors.
- Six voltage inputs support measurements on both sides of the recloser for advanced distribution automation and monitoring.
- Arc Sense™ technology (AST) detects and clears high-impedance faults.
- Single-phase tripping minimizes outage times and improves reliability indices.
- Comprehensive communications protocols and interfaces ease integration into distribution automation systems.

Functional Overview



ANSI Numbers/Acronyms and Functions	
16 SEC	Access Security (Serial, Ethernet)
25	Synchronization Check
27	Under-voltage
32	Directional Power
50G	Best Choice Ground
50N	Neutral Overcurrent
50 (F.G.O.)	Overcurrent (Phase, Ground, Neg. Seq.)
51 (F.G.O.)	Time-Overcurrent (Phase, Ground, Neg. Seq.)
51N	Neutral Time-Overcurrent
59 (F.G.O.)	Overvoltage (Phase, Ground, Neg. Seq.)
67 (F.G.O.)	Directional Overcurrent (Phase, Ground, Neg. Seq.)
79	Addresslocking
BI (O.U.)	Over/Underfrequency
BIR	Rate-of-Change-of-Frequency
85 RIO	SEL Message Bus™ Communications
87R	Event Reporting
HIZ*	SEL Air Sense Technology (AST)
HMI	Operator Interface
LGC	SELosec™ Control Equations
MET	High-Accuracy Metering
PMU	Synchrophasors
PQM	Voltage Sag, Swell, and Interruption
SER	Sequential Events Recorder

Additional Functions	
BRM	Breaker Wear Monitor
MBL2	Second-Harmonic Blocking
LDP	Load Data Profiling
LOC	Fault Locator

Compatible With Popular Reclosers
The SEL-651R Advanced Recloser Control works with a wide range of reclosers for complete plug-and-work capability. All interfaces are designed and tested to exceed the IEEE C37.60 Standard. Certificates are available at www.selinc.com/SEL-651R.

Eaton/Cooper	ABB	Siemens
CLE	DAK (15 and 27 kV only)	SDR Triple-Single
NOVA™	NOVA (15 and 27 kV only)	SDR Three-Phase
NOVA Control Powered		
NOVA Triple-Single		
RE	G&W	Tavrida
RVE	Control Power Viper™-S	OSM 150
RAX	Viper™-S	Thomas & Bates
RSE	Viper™-LT	Customized MVR
VSA	Viper™-G	
VSD	Edison	
VWE	TRIMM™ 400R	
VWVE 27	TRIMM 300R	
VWVE 38k	Hawker Siddeley	
WE	(Wolpp & Bourne)	
WVE 27	DVR™	
WVE 38k		



COOPER POWER SERIES

M-Force™ three-phase switch



Description

Eaton's Cooper Power™ series M-Force™ switch is a distribution-class, girth-operated, factory-united three-phase overhead loadbreak switch. The M-Force switch is offered in distribution voltage classifications of 15.5 kV, 27 kV, and 38 kV. The M-Force switch may be used for line re-energizing, opening, bypassing, or isolating. M-Force stands for "Magnetic Force". Eaton has the only reverse loop contacts found on distribution-class airbreak switches; a contact usually reserved for higher priced transmission switches. The reverse loop contacts utilize high current magnetic forces for added reliability. The reverse loop design allows for high contact pressure to be maintained during fault conditions. This feature prevents pitting and distorting of the switch blade and contacts even under severe momentary overload.

Catalog Data CA008004EN
Effective January 2016

M-Force three-phase switch

Basic concept

Current-carrying conductors that are parallel to each other and have current flowing in the same direction, attract each other due to the magnetic forces acting on them (See Figure 1A). Current-carrying conductors that are parallel to each other and have current flowing in the opposite direction, repel due to the magnetic forces acting on them (See Figure 1B).

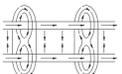


Figure 1A. Current flowing in same direction.

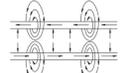


Figure 1B. Current flowing in opposite direction.

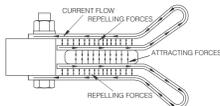


Figure 2. Magnetic forces acting on contacts.

Design features

Reverse loop contacts
The reverse loop contacts utilize high current magnetic forces for added reliability. The reverse loop contacts were adapted from Eaton's Cooper Power series SDR Line-Separators and have been field-proven for over 80 years. The reverse loop design allows for high contact pressure to be maintained during fault conditions. This feature prevents pitting and distorting of the switch blade and contacts even under severe momentary overload. These contacts are originally designed for high voltage transmission switches that maintain extremely cool temperatures even under the rated full load. The maximum temperature allowed per IEEE Std 297™ is 200°C standard for the blade and contact area is 95 °C. The maximum temperature rise observed on the reverse loop contact area was 38 °C, less than half of the allowed temperature. These types of test results, along with the proven field performance, undoubtedly make the Reverse Loop Contacts found in the M-Force switch the premiere choice in the industry.

Insulators
The M-Force switch comes standard with polymer (silicone rubber) insulators. These nonporcelain insulators offer exceptional dielectric and mechanical characteristics adding to the reliability of the M-Force switch, while lowering the weight. The M-Force switch can be provided in cycloaliphatic epoxy and porcelain housings. Insulators come standard with 2.25" bolt circles at 15 and 25 kV. Insulators require a 3.00" bolt circle at 38 kV.

Extended bearing assembly
The stainless steel shaft on the rotating insulator bearing assembly has been extended to four inches. This extra length will prevent horizontal movement of the rotating insulator during operation which ensures proper blade/contact alignment which is essential for smooth operation. Another feature of the bearing assembly is the oil-impregnated bushings that provide maintenance-free operation for the life of the switch.

Insulated Reliabreak™ arm
The Reliabreak™ Pick-Up Arm on the M-Force switch is insulated on one side, which isolates the interphase from the current path during a close operation. This feature allows for a wide range of adjustments between the Reliabreak arm and the blade catch finger. This increased tolerance removes the possibility of misalignment during operation which ensures proper load interruption.

Positive locking dead-end brackets
The dead-end brackets on the M-Force switch are of a positive locking design. This design allows for dead-ends at an angle without any distortion of the brackets. This allows for a more flexible switch that can be used in a wider variety of installation requirements.

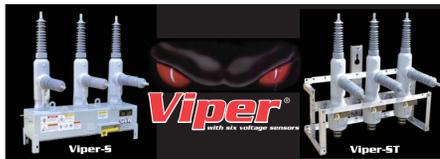
New interphase clamps
The interphase control rod clamps on the M-Force switch are designed with a jam nut through the side of the casting which locks the clamps after factory alignment. This feature eliminates any possibility of accidental slippage of the control mechanism which ensures proper operation even under icy conditions.

Optional ice shields
The standard M-Force switch is capable of operating under a 36" ice build-up. With the optional ice shields the M-Force switch is capable of operating and closing with a 34" ice build-up.

The unique shields are designed to prevent ice from building up between the contact clips as well as removing the ice from the blades during the closing operation. Per IEEE Std C37.60™-184, a chopping action is allowed during the close operation to break the ice. Due to the opening action of the M-Force Line-Separators, the chopping operation can be accomplished with one motion. No chopping is needed.



Viper Reclosers with Six Integral Voltage Sensors



G&W Viper-S and Viper-ST three phase reclosers now have the option of incorporating six integral capacitive voltage sensors to allow for voltage measurement on both the line and load sides of the device without the need for costly and heavy potential transformers. This makes G&W Viper reclosers with Six Voltage Sensors (6VS) ideal for distribution automation applications and network reconfiguration schemes through 38kV.

APPLICATIONS

Open Bus-Tie Breaker - Either substation mounted or overhead, where the presence or loss of voltage is used to trigger the tie breaker to close and restore power.

FDIR - Fault Detection Isolation and Restoration where communications are used between recloser controls to operate and restore power on a loop scheme.

Loss of Communication - In the event there is a loss of communication and six voltages are being monitored, the recloser control can be programmed to deploy FDIR without the need for communications, providing the highest level of reliability.

Automatic Transfer - Monitoring two independent source voltages, 6VS permits the control to sense loss of voltage on the primary source and verify a stable voltage reading on the secondary source which assures a proper, safe transfer even if communications is lost.

Distributed Generation - Where the electric grid is synchronized with backup generators. Having six voltage sensors allows the recloser control to monitor phase angle and voltage amplitude of each phase to close the recloser safely when connecting the generator to the grid.

OPERATION

Technology - 6VS is accomplished through capacitive voltage dividers embedded in the epoxy insulation of each phase of the recloser. The sensors have a Low Energy Analog (LEA) output. The capacitive voltage sensors are isolated from the grid and are able to read phase angle and voltage amplitude with a relatively high accuracy. External sources such as PTs can be supplied to power the relay.

Accuracy - The voltage sensors have been tested in a third party laboratory. Voltage sensing amplitude accuracy is +/- 2 % when tested as a system from -10°C (14°F) to +65°C (149°F). The VS accuracy is +/-4% from -40°C (-40°F) to +65°C (149°F). The phase angle accuracy is +/-1° throughout the full temperature range. Current monitoring is provided through integral multi-ratio current transformers encapsulated within the module of each phase. Ratios available are 1000:1 or 400:1. Inputs to the control are field changeable. CT accuracy is +/- 1%.

Configurations - The Viper-S and Viper-ST with 6 LEA VS are available with both L or Z modules. This allows the Vipers to be used for pole-top, substation or padmount applications. The padmount configuration is only available with Z modules and 38 kV IEEE interface regardless of the voltage level of the application. 38 kV class elbows are required for connections to the Viper.

Viper-ST with six voltage sensors

Technical drawings showing:

- IEEE Bushing Interface
- Vacuum Interrupter
- Voltage Sensor
- Empty Encapsulation
- Drive Assembly
- Magnetic Actuator
- Position Indicator
- Polemount Center Bracket for Solid Dielectric Potential Transformers (38kV shown)
- 24" Phase Spacing For Two Oil Filled Potential Transformers Polemount Center Bracket (18kV shown)
- Polemount Crossarm with "Z" Modules (27kV modules)

Legend

Standard	S
Option	O
Not Applicable	-

G&W Electric Company • 305 W. Crossroads Pkwy • Bolingbrook, IL 60440 USA • 708.388.5010 • Fax 708.388.0755 • gvwelc.com
Catalog VIPS-V, October 2012

FEATURES

Operator Safety - Vacuum interrupters are sealed within solid dielectric insulation providing fully shielded modules. The module housing, being at ground potential, provides additional safety. A hookstick operates, manual trip and lockout handle prohibits operation either from the control or remotely. A mechanical blocking device further assures against accidental close through the handle. An open and closed contact indicator verifies contact position. Contact status and lock-out condition can also be verified at the control. The maximum input to the SEL-651R is limited to 5 VAC, the 6 LEA VS feature is safe to the operator.

Reliability - Having both the current and voltage sensors embedded into the epoxy module protects them from environmental damage or contamination and makes for a cleaner, undecorated installation. Other manufacturers must use expensive, external add-on sensors or potential transformers to accomplish the same functionality which can significantly increase installation costs and result in a much more congested appearance, not to mention additional equipment to maintain.

Compact, Lightweight Construction - Built-in sensors eliminate the need for heavy, add-on potential transformers or other sensors significantly reducing the overall weight of the installation. The Viper-ST has one single control cable for all voltage, current, breaker status and trip/close information. The Viper-S comes with a 19-pin interface and an 8-pin cable for the voltage sensors.

VS Ratio - The 6 LEA VS measures the Line-to-Ground voltage. The Viper-ST and Viper-S come with two different voltage ratio boards depending on the application. The standard 10,000:1 ratio will allow voltage monitoring from a minimum of 0.3 kV to a maximum of 500V L-G. While the optional 2,500:1 ratio will read voltages in a range from 825 V to 12.5 kV L-G for applications below 15 kV.

6VS LEA FEATURES COMPARISON CHART

Feature	Viper-S	Viper-ST
Basic Features		
6VS LEA	S	S
Mechanically Ganged	S	-
Triple Option	-	S
Trip / Lock Out Handle	S	S
Mechanical Block	S	S
Removable Silicone Insulators	S	S
Magnetic Actuator	S	S
Trip Spring	S	S
Grounded Solid Dielectric Modules	S	S
Polemount Frame	S	S
Integrated 10000/900:1 CTs	S	S
Dead-line Operation	S	S
"L" Shaped Modules	S	S
32-pin Interface	-	S
19-pin Interface	S	-
10,000:1 ratio	S	S
Other Features and Options		
Six 6-144 VAC Analog VS	O	-
4-pin interface without dead-line operation	O	-
"Z" Shaped Modules	O	O
Padmount Application	O	O
Site-Ready Design	O	O
Substation Frames	O	O
External CTs	O	O
Customized Frames	O	O
2,500:1 ratio	O	O
Control Packages		
SEL-651R	S	S
Other Custom Relay Solutions	O	-

NextGrid

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NEXTGRID - CHATHAM, MILL HILL RD

INTERCONNECTION APPLICATION
Thursday, July 30, 2020



MARK	DATE	DESCRIPTION
1	11/15/2019	INTERCONNECTION APPLICATION
2	03/03/2020	WIRING TABLE
3	05/13/2020	NGR CALCULATIONS
4	07/30/2020	LINE EXTENSION, NGR CALCS

CONTRACTOR: NAME, STREET, CITY/STATE/ZIP, NOTES

SITE: NAME, STREET, CITY/STATE/ZIP, NOTES

DRAWING: FILE NAME, SCALE, DRAWN BY, CHECKED BY, DRAWING NO., DRAWING TITLE

DECOMMISSIONING PLAN

**Ground-Mounted Solar Photovoltaic System
0 Depot Road
Harwich, Massachusetts**

Applicant & Responsible Party

NextGrid, Inc.
P.O. Box 7775 #73069
San Francisco, CA 94120
(559) 731-4645
daniel@nextgrid.com



I. FACILITY DESCRIPTION

This Decommissioning Plan has been prepared for the proposed solar photovoltaic facility to be constructed at the property located at 0 Depot Road, Harwich, Massachusetts. This plan describes the process for decommissioning the facility in accordance with State requirements and the Town of Harwich Site Plan review process. The facility will consist of a ± 3.15 MW (DC) solar array and accompanying equipment secured within a 7-foot high chain-link fence and accessed via a 20-foot wide locked swing gate off of Mill Hill Rd, Chatham, MA which is the means of site access.

The Facility will include the following site features which will require decommissioning at the end of the life of the project:

- An approximate 12-acre array of photovoltaic (PV) modules and racking system;
- Screw anchor or driven pile foundations supporting the PV modules and racking system;
- Transformers and electrical equipment cabinets and concrete pads
- 7-foot chain-link security fence;
- Underground conduit and wires;
- Underground wires;
- A 20' wide locking chain link security gate at the site entrance.

II. DECOMMISSIONING PLAN

The decommissioning of the facility will be a two-stage process consisting of Dismantling, Demolition and Disposal/Recycling followed by Site Restoration. The following is a description of each process.

Dismantlement, Demolition, and Disposal or Recycling

A significant portion of the components that comprise the facility will include recyclable or re-sealable components including copper, aluminum, galvanized steel, and the modules. Due to their re-sale monetary value, these components will be dismantled, disassembled, and recycled rather than being demolished and disposed of.

All electrical connections to the system will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. The facility will be dismantled following coordination with the utility company regarding timing and required procedures for disconnecting the facility from the utility distribution network. All electrical connections to the PV modules will be severed at each module, and the modules will then be removed from their framework by cutting or dismantling the connections to the supports. Modules will be removed and sold to a purchaser or recycler. In the event of a total fracture of any modules, the interior materials are silicon-based and are not hazardous. Disposal of these materials at a landfill is permissible.

The PV mounting system framework will be dismantled and recycled. The foundation system will be removed and recycled if feasible. All other associated structures will be demolished and removed from

the site for recycling or disposal. This will include the site fence and gates, which will likely be reclaimed or recycled.

Concrete equipment slabs will be broken and removed to a depth of one foot below grade and clean concrete will be crushed and disposed of off-site or recycled (reused either on or off-site). The paved driveway will remain in place.

Aboveground utility poles owned by the project operator will be completely removed and disposed of off-site in accordance with utility best practices. Any overhead wires will be removed from the facility and will terminate at the utility-owned connections off Mill Hill Rd (Chatham). The utility company (currently Eversource) will be responsible for dismantling the overhead wires and poles under its ownership. The decommissioning contractor will coordinate with the utility company personnel to facilitate the utility company's removal of any poles and overhead wires located on the site.

Disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.

The concrete drywells for site drainage will remain in place.

Site Restoration

Immediately following the complete dismantlement, demolition & disposal or recycling of the PV and accessory equipment, as described above, a final walkthrough inspection will be conducted to ensure that all debris and/or trash generated during the decommissioning process has been removed. Any debris that may have been wind-blown to areas outside the immediate footprint of the facility. Sanitary facilities will be provided on site for the workers performing the decommissioning of the facility. Areas of the parcel that are disturbed during decommissioning will be re-seeded, as necessary, with 4" loam and seed or hydro-seed, using a fast-growing seed mix.

Permitting Requirements

Several approvals will be obtained prior to initiation of the decommissioning process. Permitting requirements will be determined at the time of decommissioning and updated based on then current local, state, and federal regulations. The decommissioning process is anticipated to take approximately six to eight weeks and is intended to occur outside of the winter season. The owner/operator of the facility shall notify the Planning Board by certified mail of the proposed date of discontinued operations and the decommissioning will be completed no more than 150-days after the date of discontinued operation. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. Based upon current regulations, a building/demolition permit will be required from the Town of Harwich Building Department for the decommissioning of this site because a building/demolition permit must be obtained for any demolition or change to the use of a structure.

III. DECOMMISSIONING COST ESTIMATE

BSC has prepared the following detailed cost estimate of the decommissioning cost for the Depot Road Solar Project as follows:

Removal Cost Estimate				
Item	Quantity	Rate/ea.	Days	Amount
Laborers	8	\$200	27	\$42,764.00
Heavy Equipment & Operator	3	\$1,200	14	\$41,236.00
Debris Container/Disposal*	35	\$850		\$29,750.00
Site Repair (re-seed as necessary)	1			\$1,500.00
Mobilize/Demobilize	1			\$5,000.00
Sub-Total				\$120,250.00
20-Year Total (assuming 2% Inflation)				\$178,685.00

*Cost of trucking included

In summary, for the proposed 3.15± MW Depot Road Solar Project, we have **estimated a net present value decommissioning cost of \$120,250.00**. Assuming a 2% yearly inflation for the 20-year project life span, **the proposed financial surety amount is \$178,685.00**.

January 4, 2021

Town of Harwich
732 Main Street
Harwich, MA 02645

**RE: Response to Staff Comments – Site Plan Review Special Permit
PB2020-27, NextGrid, Inc., 0 Depot Road, Harwich**

Dear Charleen:

On behalf NextGrid, Inc. (Applicant), BSC respectfully offers the following responses to the Staff Report, dated November 9, 2020. Each comment is repeated below and the BSC responses follow in bold font.

DPW

1. Lincoln Hooper email dated October 15, 2020 - *Please be advised that the DPW does business with Mr. Clark and that he is currently doing brush grinding for the DPW under a contract signed a week ago. Additionally, Chris Nickerson is related to him, thus the comment on the application came from me. Although Chris and I both fee there is no nexus between his application to use his sandpit (I always thought it was in Chatham) for a solar array and the business we do with him. I felt that I should disclose these facts to you.*

The disclosure is noted; however, we do not see an issue with this as the stump grinding operations will soon cease.

Conservation

1. There is a wetland along the southern boundary. This wetland is also a certified vernal pool. How was the edge of this wetland determined, and is the wetland edge the landward limit of vernal pool? They are often not one-in-the-same. As proposed, no work would take place within the 100' wetland buffer, but we do not know how this was determined. The Conservation Administrator suggests they come to the Conservation Commission with a request for Determination of Applicability to nail down that wetland delineation. **NOTE:** The applicants represented has been in touch with the Conservation Administrator and has made the necessary filing with Conservation.

The bordering vegetated wetland and certified vernal pool were field delineated by BSC Group. A detailed memo was previously prepared by BSC (dated October 30, 2020) and submitted to the Conservation Commission as part of the RDA filing. On November 4, 2020 BSC presented the RDA to the Conservation Commission via virtual public hearing. The Commission voted unanimously to issue a positive determination. No further action is required.

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Health

1. The Senior Health Agent reviewed the application for a variance to install a solar/photovoltaic facility at 0 Depot Road. This property is located in a Zone II, or water recharge area. The Health Department has no issues or concerns with the proposal, but it is important to note that Board of Health Regulations state that land use that results in impervious cover of more than 15% or 2,500 square feet of any lot, whichever is greater, is prohibited unless a system of artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality. If the proposed use exceeds impervious cover of more than 15%, then the application will need to be reviewed by the Board of Health.

The existing site contains 27,327± s.f. of impervious area. This is primarily several large, paved areas in the northern portion of the site. As shown on Sheet 3, the pavement will be removed as part of the preparation of this site for construction. The proposed site includes 4,366± s.f. of impervious area. The proposed impervious area is associated with two (2) concrete equipment pads and a paved access drive with hammerhead turnaround at the site's entrance. In all, there will be a net reduction of 22,950± s.f. of impervious area. In addition, the site design includes a total of four (4) infiltration systems, located more or less in the corners of the property, which have been designed to accommodate a 100-year design storm, thereby exceeding the requirements of both the Massachusetts Stormwater Management Standards and the Town of Harwich regulations.

Engineering

See Planning Staff Comments.

Chatham Fire

No issues with the proposed project.

Planning Staff Comments

1. First the Town Engineer and the Town Planner want to make it clear that we are not opposed to the proposed project, quite the opposite.

No further action is required.

2. The Town Engineer and Town Planner reviewed this application and provided comments to the applicant's representative on October 26, 2020. The representative provided a response letter and revised information on November 6, 2020. Staff met again on November 9, 2020 to review the revised plans and the November 6, 2020 letter from BSC Group "Response to Staff Comments for Large-Scale Solar Review" and base on that review, we have the following comments:
 - a. Section 4.B of the Comprehensive Stormwater and illicit Discharge Regulations requires that "[P]rior to the issuance of any Special Permit, Site Plan Approval, or Building Permit for any proposed development listed below, a Local Stormwater



Permit must be approved by the Stormwater Authority. No person shall, on or after the effective date of the by-law, initiate any vegetation clearing, land grading, earth moving or development activities without complying with these Regulations."

Additional test pits will likely be required as well. Based on this alone, the Town Engineer and the Town Planner strongly recommend that the applicant apply for and receive the Stormwater Permit prior the Planning Board acting on this Site Plan Application.

The applicant has filed an application with the Town Engineer for a local Stormwater Permit. This matter will be heard at the regularly scheduled virtual public hearing of the Planning Board on January 12, 2021.

- b. The applicant has indicated that there will be no lighting or signage. The applicant has also indicated that the site and components associated with the site will be accessible 24/7. Wouldn't safety lighting be necessary? As for signage, §325-144(B) requires that a sign shall be posted identifying the owner and providing a 24-hour emergency contact. This would likely have to be illuminated as well.

NextGrid does not provide lighting at any of their ground-mounted PV sites. Once the system is operation, there will only be a handful of visits each year. Any necessary site visit will be conducted during daytime normal working hours. Further, the site will be secured by chain link fence with locking gate. As such, there is no need for safety lighting.

- c. With regard to the access drive and proposed underground electrical services not being shown within the easement of Lance Ave, we do not see that there is legal access, not that this falls under the Planning Board's jurisdiction; however it would be good to know. On Sheet PV001 the easement is not shown. Sheets PV001 and Sheet 4 of 7 do not match; the road, drive, pads, etc. locations are different.

The Interconnection Plans are prepared for the application to the electric company. They are not permitting plans. We provide the Town with these plans for informational purposes only, primarily to show the equipment and systems that will be housed on site. These plans are not based on an on-the-ground survey.

- d. On Sheet PV001 it notes that the gravel road will be constructed to Maine DOT standards. We are curious why Maine.

This appears to be a carryover from another project. Again, this plan is not a civil engineering design plan. The gravel road providing access to the site already exists.

- e. We asked about information regarding the major components, including mounting systems and inverter(s). We were directed to the Interconnection Plan. We assume this to be the "Interconnection Application" plans; but which sheet(s)?



Yes, the referenced plans are part of the Interconnection Application. All the equipment that will be installed at this site is shown on sheets PV602 and PV603.

- f. We asked about information regarding §325-142 “Utility notification”. The response was “NextGrid, Inc. to submit paperwork that confirms the provider is in agreement with the proposed project”. When will that occur? It should happen before the Planning Board takes action.

Documentation addressing this concern is included herewith.

- g. We asked about the concrete pads and what will be located on them. The response was to refer to the Interconnection Plan. We would request that this be clarified and that each pad be identified as to what will be on each pad and the size(s).

Documentation addressing this concern is included herewith. The following is a summary of the proposed equipment:

- 1 – Battery Storage Container (480" x 114" x 96")**
- 1 – Central Inverter (117.8" x 114.0" x 96.0")**
- 5 – Converter Boxes (Brand unknown but will be smaller than the inverter)**
- 1 – Pad Mounted Transformer (73" x 84" x 24")**

Spec Sheets are included on Sheets 3 and 4 of the attached IX plans.

- h. How do we know what size battery storage size will be utilized? Sheet PV602 has a note stating that the size will be modified.

The battery storage container shall be (40' x 9.5' x 8'), as noted above.

- i. We are still not clear how the rows of panels get connected to each other and then to the system.

There are boxes mounted to poles at the end of 13 rows called Combiner Boxes (13 on this project because the rows are narrow so, wider project would be at the end of every row). The wires are contained tightly under the panels and then are directed up U-Bolts into the tops of the combiners and then landed and then larger lines are underground below the combiner boxes and pulled into the Central Inverter.

Combiner boxes are small 2ft high and 2feet wide - the spec sheets are also on the attached IX plans.

- j. The Operation and Maintenance Plan (Page 1, item B) needs to be updated to state that both Harwich and Chatham will be provided with the document.

The Operation & Maintenance Plan has been revised accordingly. A copy of the plan will be provided to Chatham as well.

- k. The cost estimate that was provided within the Decommissioning Plan is required to be prepared by a qualified engineer. An Engineer Stamp would be required.



The cost estimate was prepared by a professional civil engineer and now bears the seal, as requested.

3. The applicant needs to satisfy the comments provided by the Health Department before moving forward with the Planning Board.

Please refer to the response “Health” on page 2 of this letter. No further action is required.

4. As previously stated, this application should be continued to a date and time certain to allow for the applicant to satisfy the Stormwater requirements, as well as Health requirements.

The applicant has responded to all concerns raised by Town staff and has also applied for a local Stormwater Permit. As such, there is no need for another continuance.

We look forward to presenting this project to you at the regularly scheduled Planning Board hearing on January 12, 2021. In the interim, please do not hesitate to contact our office with any inquiries you may have.

Very truly yours,

BSC GROUP, INC.

Brian G. Yergatian, P.E., LEED AP
Senior Project Manager & Senior Associate

cc: Daniel Serber (NextGrid, Inc.)

OPERATION AND MAINTENANCE PLAN

**Depot Road Solar Project
Harwich, Massachusetts**

December 2020

Project Owner/Responsible Party:

**NextGrid, Inc.
P.O. Box 7775 #73069
San Francisco, CA 94120-7775
(559) 731-4645
daniel@nextgrid.com**

Daniel Serber

Signature

12/29/2020

Date

The above designated party is responsible (financially and otherwise) for the operation and maintenance, including emergency repairs of the Depot Road Solar Project, including the arrays, the land occupied within and outside the fenced area, the access roads leading into the fenced-in area, the utility lines serving the array, and the stormwater facilities associated with the project, as shown on the Site Plans. This area is herein referred to as the Solar O&M Area.

The project owner/responsible party agrees to the following:

- A. At all times, the solar photovoltaic installation will be maintained in good working condition and regular maintenance will be performed in accordance with this approved operation and maintenance schedule. A record shall be kept of all maintenance performed, and said maintenance record will be provided to Town officials whenever requested to verify maintenance or status.
- B. A copy of the site plan and emergency shutdown procedures will be provided to the Police Chief and Fire Chief (Harwich and Chatham) prior to issuance of an occupancy permit. The project owner/responsible party will cooperate with local emergency services in developing an emergency response plan.

- C. Contact information for a person responsible for responding to public inquiries and complaints throughout the life of the project will be provided to the Building Inspector and this information will be posted in a visible location at the installation. This contact information will be updated as necessary.
- D. The Town will be notified of changes in project ownership or assignment of operation and maintenance financial responsibility.
- E. The maintenance schedule in this operation and maintenance (O&M) Plan will only be amended by mutual agreement of the Town and the responsible party. Amendments will be made in writing and signed by the responsible party.

1.0 Service Visits

An O&M contractor that specializes in commercial scale solar farms will be contracted to provide service visits two times per calendar year, occurring approximately six (6) months apart. The service visits will incorporate the inspection and maintenance procedures outlined in Section 2.0 (Preventative Maintenance), Section 4.0 (Equipment Inspections), Section 5.0 (Vegetation Maintenance), Section 6.0 (Access Roadways, Perimeter Fences, and Access Gates), and Section 7.0 (Stormwater and Erosion Control Facilities). Note that Item 7.0 (Stormwater and Erosion Control Facilities) will require additional visits during certain rainfall events. After each service visit, the O&M contractor will issue a report to the project developer/owner. The report will summarize all maintenance and inspection activities conducted, identify any issues encountered, and provide recommendations to correct any of the issues. After review and any clarifications requested by the project developer/owner, the report will be forwarded to the Town, as required.

In addition to the Service Visits outlined above, the O&M contractor will be responsible for plowing the solar field access drive from Mill Hill Road (Chatham) to the electrical cabinet turnaround area sufficiently to provide emergency vehicle access at all times.

2.0 Preventative Maintenance

The following Preventative Maintenance (PM) services will be performed during each service visit:

- (a) Ensure the site is clean, secure and any site management such as cutting grass (see below) or cleaning of modules is performed as needed.

- (b) Ensure the proper structure and operation of all racking, modules, wiring, electrical boxes, conduit, string, inverters and sensors.
- (c) Visual checks of each module for broken glass, debris, or other causes of low performance.
- (d) Ensure that the racking system (posts, crossbeams, brackets, bolts, clips, etc.) that support the panels are free of major rust or corrosion.
- (e) Ensure that all signs/labels for inverters, disconnects, and safety warnings are intact and legible.
- (f) Ensure that all enclosures, fences, and facilities that are part of installation are maintained to retain original appearance, aside from reasonable wear and tear, including but not limited to paint, roadways, gates and access panels.

3.0 Continuous Monitoring

The following will be performed continuously for the duration of the project, by either the project developer/owner or a company that specializes in solar monitoring:

- (a) Monitoring of system production.
- (b) A monthly report will be produced comparing system output to expected production taking into account actual climatic conditions. The project developer/owner or the O&M contractor shall summarize this information.
- (c) Responding to alerts from the array's automated alert system(s) regarding potential system malfunction(s), and if necessary a service visit by an O&M contractor.

4.0 Equipment Maintenance

The project developer/owner and/or an O&M contractor will conduct regular, scheduled equipment maintenance biannually, including but not limited to the following:

Panels

- (a) Should panel washing be determined to be necessary, panels will be washed utilizing only water. Use of a squeegee is permitted for solar modules. Soap or any detergents are not required to clean the panels and are not allowed.
- (b) Conditions such as snow and ice will be removed as necessary.
- (c) Damaged or inoperative array panels observed during service visits will be investigated to determine the cause of the damage or inoperability with the plan to prevent, repair and/or replace as soon as possible.
- (d) Array panels that have deteriorated in efficiency in excess of the manufacturer's warranty will be reported to the manufacturer for repair or replacement as soon as possible.

String Inverters

Inverters will be checked for the following during inspections:

- (a) Power capacitors for any sign of damage.
- (b) Any visible discoloration.
- (c) Voltage and current readings.
- (d) Corrosion, dust and water ingress on terminals and cables.
- (e) Condition of both the AC and DC surge suppressors.
- (e) Operation of all safety devices.
- (f) Cleaning and replacement of air filters.

Racking

- (a) Racking system components that have major rust or corrosion will be repaired or replaced as soon as possible.

- (b) Visual inspections will be completed of the equipment, including sub-assemblies, wiring harnesses, contacts and major components.

Other Components

The following will also be checked during semi-annual inspections:

- (a) Visual inspection of all feeder terminations for corrosion and proper attachment.
- (b) Inspection and testing of surge arrestor and lightning protection operation.
- (c) Ground continuity testing, lightning protection and overall system safety inspection, to include correction of any unsafe or abnormal issues.
- (d) Inspection/survey of all combiner boxes, disconnects (AC&DC), switchgear, and inverters with an infrared camera, with the purpose of detecting hotspots, bad connections, and related issues.
- (e) Mechanical and structural integrity of the system, and correction of issues.
- (f) Modules for excessive dirt and debris.
- (g) Replacement of unserviceable or degraded system labeling.
- (h) Testing of voltage and amperage of all source conductors.
- (i) Documentation and inspections reporting to include:
 - i. PV System Quality Assurance and Quality Control Plan;
 - ii. PV System Commissioning Form; and
 - iii. System Component Torque Specifications Form.

5.0 Vegetation Maintenance

- (a) The Solar O&M area will be mowed to maintain a maximum grass height of approximately 12 inches. Use of a weed whacker is recommended underneath the panels and around the posts of the racking system. Woody seedlings may also be

- removed by hand. No pesticides, fertilizers, herbicides or chemicals will be used to manage vegetation.
- (b) An O&M contractor shall monitor the ground cover growth rate and system performance to determine whether vegetation maintenance frequency requires modifications.
 - (c) An O&M contractor should be aware of the locations of any wiring associated with the system. The project developer/owner shall complete a site walk of the Solar O&M area with any new O&M contractor before scheduling the first vegetation maintenance event.
 - (d) The state of vegetation will be monitored during normal maintenance visits and, as appropriate, a landscape professional will be contracted to repair any areas of concern.
 - (e) A landscape professional will be contracted to perform the following adjustments if areas of topsoil are observed within the solar array limit:
 - i. Adjust the seed mix that is appropriate to the current vegetative cover and the season in which seed is spread.
 - ii. Manually rake topsoil to prepare for seeding.
 - iii. Spread seed atop raked area at an appropriate density.
 - iv. Implement temporary precautions within the seeded area to help the restoration process.
 - v. Monitor the vegetative cover to restoration completion.
 - (f) The state of vegetation outside of the fenced in solar development area will be monitored during normal maintenance visits to confirm that excessive growth which will result in shading of the solar panels has not occurred. If shading is visible, a landscape professional will be contacted to trim/cut the vegetation as necessary.
 - (g) The use of herbicides, pesticides, fertilizers or chemicals for maintenance of vegetation throughout the array and outside the fence is prohibited.

6.0 Access Roadways, Perimeter Fences, and Access Gates

- (a) As part of the bi-annual service visit, the gravel surface of the access road shall be inspected. This inspection will cover the following areas at a minimum: settlement, rutting, erosion/barren spots, vegetation/tree growth, wash boarding, and

- potholes. A roadway maintenance firm, to be hired by the developer, shall immediately repair any deficiencies encountered during the inspection to the extent it cannot be handled by the O&M contractor.
- (b) During the bi-annual service visit, the perimeter fencing and access gates shall be inspected for workable locks and Knox boxes, settlement, erosion around post footings, significant corrosion, and signs of vandalism (i.e. holes cut in the wire, removed wooden panels, project ID signs damaged/stolen). A fence maintenance firm, to be hired by the developer, shall immediately repair any deficiencies encountered during the inspection to the extent it cannot be handled by the O&M contractor.
 - (c) Plow the access drive from Mill Hill Road to the electrical cabinet turnaround area sufficiently to provide emergency vehicle access at all times.

7.0 Stormwater and Erosion Control Facilities

- (a) Erosion control barriers (straw wattles, silt sacks, etc.) should be inspected immediately after each run-off producing rainfall event and at least daily during prolonged rainfall. Sediment deposits must be removed when the level of deposition reaches approximately one-half the height of the barrier. Sediment shall be disposed of in a suitable area and protected from erosion by either structural or vegetative means.
- (b) Inspect subsurface infiltration system after every major storm event (2" or greater) for the first few months after construction to ensure proper stabilization and function, thereafter inspect semi-annually to ensure the system is draining properly. Check for accumulation of sediment and ponding of water. If ponding water is visible inside the inspection port for several days after a storm event, notify the engineer for possible remedial measures, clogging and trash, and remove organic matter, trash and debris as necessary. Remove sediment as necessary during construction, while the system is dry, and at least every 5 years after construction.
- (c) Inspect area drains after every major storm event (2" or greater) for the first few months after construction, and semi-annually thereafter. Check for accumulation of sediment. Remove organic matter, trash and debris as necessary to ensure grates are not obscured or blocked.

- (d) Inspect all slopes, panel drip edges, and graded areas throughout the project on a quarterly basis for the first two years after completion of construction. Thereafter, inspect twice per year. Look for formation of eroded channels, particularly at panel drip edges and on newly constructed slopes. Repair and/or re-seed any areas that are eroded or not stabilized.

October 30, 2020

Town of Harwich
732 Main Street
Harwich, MA 02645
Attn: Amy Usowski, Conservation Agent

349 Main Street
(Route 28), Unit D
West Yarmouth
MA 02673

Tel: 508-778-8919
800-288-8123

www.bscgroup.com

RE: Wetland Delineation Memo Associated with Determination of Applicability Application, Proposed Ground Mounted Photovoltaic System, 0 Depot Road, Harwich, MA BSC Job #50416.00

Dear Ms. Usowski and Members of the Conservation Commission:

BSC Group, Inc. (BSC) is pleased to submit this Wetland Delineation Memo in association with the previously submitted Request for Determination of Applicability (RDA) Application on behalf of NextGrid, Inc, and Daniel Serber (the Applicant), for the property located at 0 Depot Road (Map 64 Parcel S1) in Harwich, MA (the Site). The proposed project at the site involves the installation of a large-scale ground mounted photovoltaic system across 13.29 acres, a perimeter fence, and associated equipment installation and site work.

The wetland delineation was conducted at the Site by Matthew Creighton and Paul Mancuso of BSC Group on July 16, 2019. A Bordering Vegetated Wetland (BVW) was located over 100 feet south of the southernmost portion of the Site. A Certified Vernal Pool (CVP) in a large area of open water was found to be bordered by the thin strip of BVW. BSC only delineated the northern boundary of the BVW due to the proximity of the Resource Area to the Site, however Mass GIS OLIVER does indicate that the area is isolated from other wetlands and hydrologic connections according to the DEP Wetland and Hydrologic Connection data layers, as well as the USGS Rivers and Streams data layer.

The BVW edge was determined using the vegetation only method as the site is comprised of a steep sloping bank of forest uplands which surround the isolated BVW and CVP with a distinct vegetation change at the base the slope. The upland slope is comprised of Black Oak (*Quercus velutina*), Sassafras (*Sassafras albidum*), Pitch Pine (*Pinus rigida*), Bracken Fern (*Pteridium aquilinum*), and Sheep Laurel (*Kalmia angustifolia*) and distinctly changes to dense stands of Highbush Blueberry (*Vaccinium corymbosum*), Huckleberry (*Gaylussacia frondosa*), and Inkberry (*Ilex glabra*) which surround the edge of water. Soils at the base of the slope were largely saturated and evidence of water staining, standing water, areas of sparse vegetation and exposed soils (suggesting regular, prolonged periods of flooding) were noted. Please refer to the attached photo pages for photos of the Resource Areas described herein.

Engineers

Environmental
Scientists

Custom Software
Developers

Landscape
Architects

Planners

Surveyors



If you have any questions or require additional information, please contact me our office at (508) 778 - 8919.

Truly yours,

BSC GROUP, INC.

Matthew Creighton, PWS, MVP
Senior Associate / Coastal Scientist
Manager of Ecological Services – West Yarmouth, MA



Photo 1: View of the BVW located at the base of steep sloping uplands to the southwest of the project Site. *Facing south.*



Photo 2: View of the BVW located at the base of steep sloping uplands to the southwest of the project Site. *Facing south.*

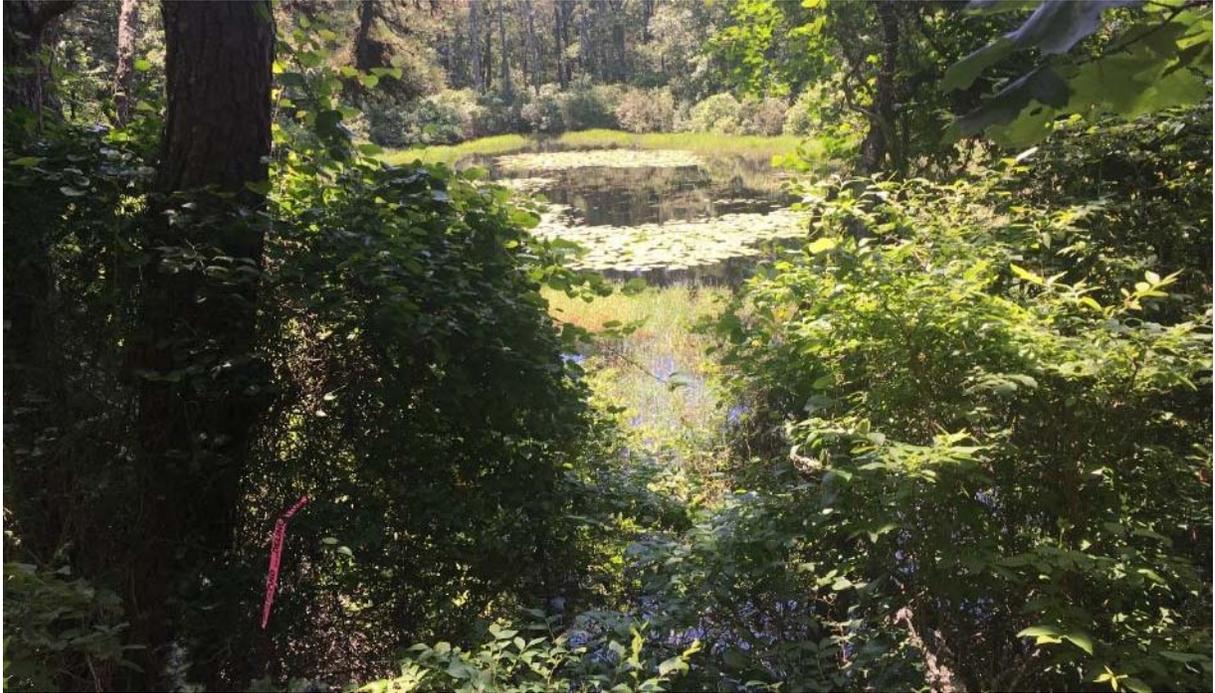


Photo 3: View of the Vernal Pool within the BVW located to the southwest of the project Site. *Facing south.*

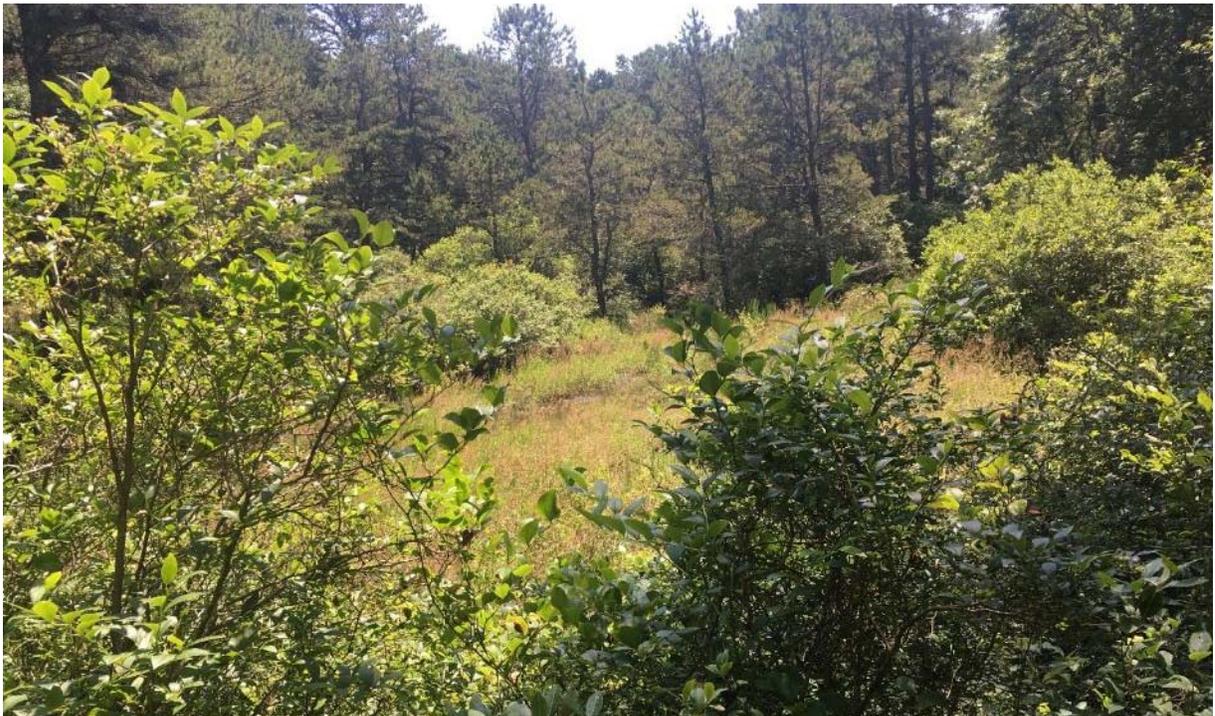


Photo 4: View of steep slopes north of the BVW. *Looking north.*



Daniel S <daniel@nextgrid.com>

WO 2378433 - Harwich - 0 Depot Rd - Eng Tech Hold & Distribution Queue Hold

4 messages

Khederian, Melanie A <melanie.khederian@eversource.com>

Tue, Apr 7, 2020 at 12:41 PM

To: Aaron Culig <aaron@nextgrid.com>, Daniel Serber <daniel@nextgrid.com>

DER Planning has screened the application materials for a 3150kW PV & BESS Facility, located at 0 Depot Rd, Harwich, MA.

The application materials appear reasonably complete, however there are several items which need customer attention.

Project Details:

The given Pol was listed as Pole 167/10 on the 4-95A-95A circuit out of the Harwich substation. This is a 22.8kV circuit, with voltage measured line-to-line.

The given Pol is approximately 2000 feet from the nearest three phase. This interconnection will require that the three phase be extended the entire distance, at the customers expense.

There are three projects ahead of this one in queue, listed here:

1. WO# 2355012 – 2,500 kW / PV & BESS – study in process
2. WO# 2354558 – 2,560 kW / PV – Held in Queue
3. WO# 2359695 – 5,000 kW PV & BESS - Held in Queue

Revisions/Clarifications/Comments:

There are some revisions and/or clarifications required from the customer for this project:

- The proposed site-plan shows customer reaching out to pole#167/10 by running a UG trench through a Public way. Customer cannot run either UG or OH through a public way, Eversource has to own this extension. Eversource would extend and own the three phase extension of approximately 1800 feet from pole#167/10 to the facility on customer expense. **Customer shall provide a revised site-plan reflecting this extension either UG or OH.**

The following documentation was not included in the application materials, but will be needed prior to impact study:

- For the impact study, we will require documentation from the inverter manufacturers stating the islanding detection methods of the inverters. Specifically, per the Sandia Risk-of-Islanding (ROI) screening, we are looking for an active islanding detection method which utilizes positive feedback, bi-directional frequency shift detection. Inverters which do not meet this specification are permitted, but may be a contributing factor to the need for an additional dynamic study to investigate the possibility of unintentional islanding. This will be determined during the impact study phase.
- In order to perform the effective grounding screen in an impact study and for Eversource P&C to approve a neutral grounding reactor design, we will require the actual calculations used to determine the proposed sizes of any NGR. These can be included as part of the one-line, or as a separate document.

In Addition, DER Planning has the following comments:

This project is greater than 1 MW, therefore ISO-NE will need to be notified of this project by Eversource. ISO-NE may then call for a transmission study to be done, in order to gauge this projects impact to the bulk power system.

- The application Materials submitted indicate that the customer intends to participate in the ISO-NE wholesale market with this project. If this circuit has an earlier applicate who has elected to sell to the market ahead of this project than the circuit will become FERC Jurisdictional. If the circuit is FERC jurisdictional, and the customer still wishes to sell to the wholesale market, they will need to apply through ISO-NE. If the customer does not wish to sell to the wholesale market, they can submit updated application documents showing this, and Eversource will continue to process their application. DER Planning has consulted the list of existing Settlement Only Generators, and this circuit is not currently FERC Jurisdictional. **It is the customer's responsibility to ensure they comply with all ISO-NE policies and regulations with regards to applying for wholesale market participation.**

Analysis:

Due to low stiffness factor, size of the facility and aggregate capacity on the circuit, **this project will require an impact study.**

This project will be put on hold in queue. DER Planning will apply the hold.

A customer hold will be applied until the above revisions are received. DER Planning will apply the hold.

Melanie Khederian

508-790-9035 - Office

617-775-9119 - Cell

From: Aaron Culig <aaron@nextgrid.com>
Sent: Friday, March 13, 2020 2:28 PM
To: Khederian, Melanie A <melanie.khederian@eversource.com>
Cc: Daniel Serber <daniel@nextgrid.com>
Subject: WO 2378433 - Harwich - 0 Depot Rd

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Melanie,

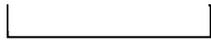
You mentioned on the monthly call there is still a dispute on WO 2378433 (0 Depot). Is there someone at Eversource I can connect with?

We wanted to avoid any confrontation, not waste your time and mitigate this issue swiftly, but it sounds like there is still some confusion even with the letter/ LO Consent Form we sent.

Thanks!

Aaron Culig

720.217.5939



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Aaron Culig <aaron@nextgrid.com>
To: Daniel S <daniel@nextgrid.com>

Tue, Apr 7, 2020 at 12:44 PM

Do we have the original email saying we were right behind ourselves? This has to be incorrect.

Aaron Culig
720.217.5939

[Quoted text hidden]

Daniel S <daniel@nextgrid.com>
To: Aaron Culig <aaron@nextgrid.com>

Tue, Apr 7, 2020 at 12:58 PM

As far as I remember we were making an assumption because the other project was right behind us in the queue and based on when we submitted we believed we should be right after them. Here is the timeline

Project Submitted: 11/19/2019
Deemed Complete: 11/22/2019
Work Order Issued: 01/06/2020

I think if any of those projects ahead of us in the queue had their timeline start date after 11/22/2019 we SHOULD be entitled to jump them in the queue?

[Quoted text hidden]

--

Daniel Serber
Senior Director of Land Development
NextGrid Inc.
(559) 731-4645
(508) 319-9626
www.nextgrid.com

12/29/2020

NextGrid Inc. Mail - WO 2378433 - Harwich - 0 Depot Rd - Eng Tech Hold & Distribution Queue Hold

Aaron Culig <aaron@nextgrid.com>
To: Daniel S <daniel@nextgrid.com>

Tue, Apr 7, 2020 at 1:18 PM

Looks like the one work order was submitted before in August. Bummer

Aaron Culig
720.217.5939

[Quoted text hidden]

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

AGENDA ITEM #III.A

December 29, 2020

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Re: PB2020-24 195 Queen Anne Road LLC

The applicant's representative has requested a continuance to March 9, 2021

Recommended Motion:

Move to continue the public hearing for PB2020-24 195 Queen Anne Road LLC to not early than 6:30pm on March 9, 2021.

Charleen Greenhalgh

From: downcape@downcape.com
Sent: Tuesday, December 29, 2020 2:06 PM
To: Charleen Greenhalgh; Elaine Banta
Subject: PB 2020-24 #195 Queen Anne Road

TO: Planning Board, Town of Harwich, MA

RE: #195 Queen Anne Road, Harwich, MA PB 2020-24

In order to have time to resolve minor stormwater and layout issues, we would appreciate a continuance to the March 9, 2021 meeting.

Thank you very much for your assistance,

Daniel A. Ojala PE, PLS
[down cape engineering, inc.](#)
939 Main St. Yarmouthport, MA
1-508-362-4541 x106
1-508-362-9880 fax
downcape@downcape.com

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

AGENDA ITEM # III.B

January 5, 2021

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Re: PB2020-28 Cape Cod Oil Co. – 6 Station Avenue

The Board opened this public hearing on December 1, 2020. The applicant's representative, Gregory Driscoll, has requested a further continuance:

On behalf of the Applicant, Mr. Hurst Tasha of M.J.T. Trucking, Inc., we hereby request a continuance from the next scheduled Planning Board hearing on January 12, 2021 to the hearing on February 23, 2021. This request is in reference to the Site Plan Approval filing for the proposed propane tank installation at 6 Station Avenue in Harwich.

RECOMMENDED MOTION:

Move to continue the public hearing for PB2020-28 Cape Cod Oil Co. to Tuesday, February 23, 2021, not earlier than 6:30pm.



AGENDA ITEM # III.C

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Date: December 21, 2020
Re: Staff Report – Site Plan Review Special Permit

PB2020-31 711 Main Street LLC, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 to reduce the number of existing parking spaces by one (1) to accommodate the installation of an enclosed mechanical energy appliance (generator) at the rear of the building. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay zoning districts.

The Planning Board opened a public hearing on December 17, 2020; however the hearing was immediately continued to allow for the notification to abutters. The hearing was continued to Tuesday, January 21, 2021 not earlier than 6:30pm. Abutters were notified via certified mail on December 17, 2020.

Description

The applicant seeks approval to modify a Site Plan Review Special granted in Case PB2019-18, by reducing the parking by one space and installing a generator to be enclosed by a fence. The application was filed with the Town Clerk on November 13, 2020 and includes the following:

1. Form A – Special Permits & Site Plan Review.
2. A cover letter dated November 9, 2020.
3. Site Layout Plan, Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., dated 11/10/2020, Scale 1" = 20', Sheet 1 of 1.

Waivers: From all requirements as all other plans and requirements remain the same.

Comments from other Boards, Departments, Committees

Fire, Water, Health, Engineering & Highway: No issues or concerns.

Planning Staff Comments

1. In discussion with the Town Engineer we both agree that this is an appropriate location for the generator. This was a difficult parking space to maneuver in the first place, so there are no concerns with generator to be located in this former parking space.
2. The initial site plan approval provide for two extra parking spaces. The elimination of one space should no impact the property or uses on the property.

3. All conditions imposed pursuant to the PB2019-18 decision should continue and can be easily be made a condition of approval.

VOTES

Continuance

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

Move to continue the hearing for **PB2020-31 711 Main Street LLC**, to no earlier than 6:30 pm on _____ (Next Meeting Dates: *Jan. 26, Feb. 9, Feb. 23*) for the following reason(s):
Need to provide reasons for the continuance...additional information.

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

I. Vote to close the public hearing.

II. Vote to Adopt Proposed Findings:

To adopt the following finding of fact:

1. The property is located within the CV and Harwich Center Overlay Districts.
2. The reduction of one parking space will not impact the site or the uses on the property.
3. All conditions and provisions of the PB2019-18 Site Plan Special Permit shall continue to be observed/enforced.
4. The modification to the site as developed will not adversely affect the neighborhood.
5. The specific site is an appropriate location for such a use, structure or condition.
6. There will be no nuisance or serious hazard to vehicles or pedestrians.
7. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

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

1. To **approve with conditions and waivers** case number PB2020-31 711 Main Street LLC a modification of the PB20219-18 Site Plan Review Special Permit to reduce the number of existing parking spaces by one (1) to accommodate the installation of an enclosed mechanical energy appliance (generator) at the rear of the building for the property located at 711 Main Street, Map 41, Parcel D8. The application is pursuant to the Code of the Town of Harwich §325-55 and the decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions:
 - A. All conditions and provisions of the PB2019-18 Site Plan Special Permit shall continue to be observed/enforced and shall continue to run with this decision.
 - B. This decision shall be recorded at the Barnstable County Registry of Deeds.
 - C. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

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

TOWN OF HARWICH PLANNING DEPARTMENT



PLANNING BOARD APPLICATION SPECIAL PERMITS & SITE PLAN REVIEW FORM A

TO THE TOWN CLERK, HARWICH, MA

DATE 11/10/20

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	Saumil Patel
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Saumil Patel
Mailing address	783 Main St
Town, ST, Zip	Harwich, MA 02645
Phone	(617) 669-9148
Fax	
E-mail	saumil5691@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.

Saumil Patel
Applicant

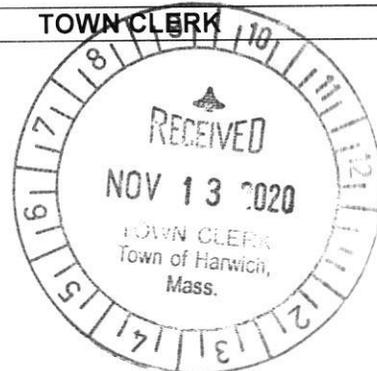
Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

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

Case #

PB2020-31



PART B – PROJECT LOCATION

Legal Street Address	711 Main St	Village/Zip Code	Harwich/02645
Title Book/Page or L.C.C. #	Book: 28565 Page: 153		
Map(s) / Parcel(s)	41 - D8		
Zoning & Overlay Districts	C-V/HC Overlay	*Historic?	Yes
Frontage (linear feet)	144.01 Feet		
Total land area (s.f.)	27,441 s.f.		
Upland (s.f.)	27,441 s.f.	Wetlands (s.f.)	0 s.f.

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross: 10,202 s.f.	Net: 6,214 s.f.
Proposed Floor Area in Sq. Ft	Gross: 10,202 s.f.	Net: 6,214 s.f.
Change in Sq. Ft + / -	Gross: No Change	Net:
Existing # of parking spaces	25	Proposed # of parking spaces: 24
Existing Use(s)	Retail Store with take out food and 2 apartments on 2nd floor	
Proposed Use(s)	Same use with addition of generator behind the building	
<i>Attach a separate narrative if necessary.</i>		

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

Site Plan Review § 325-55:

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

Article V, Use Regulations:

- Paragraph____, 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.*

November 9, 2020

Planning Department
732 Main St
Harwich, MA 02645

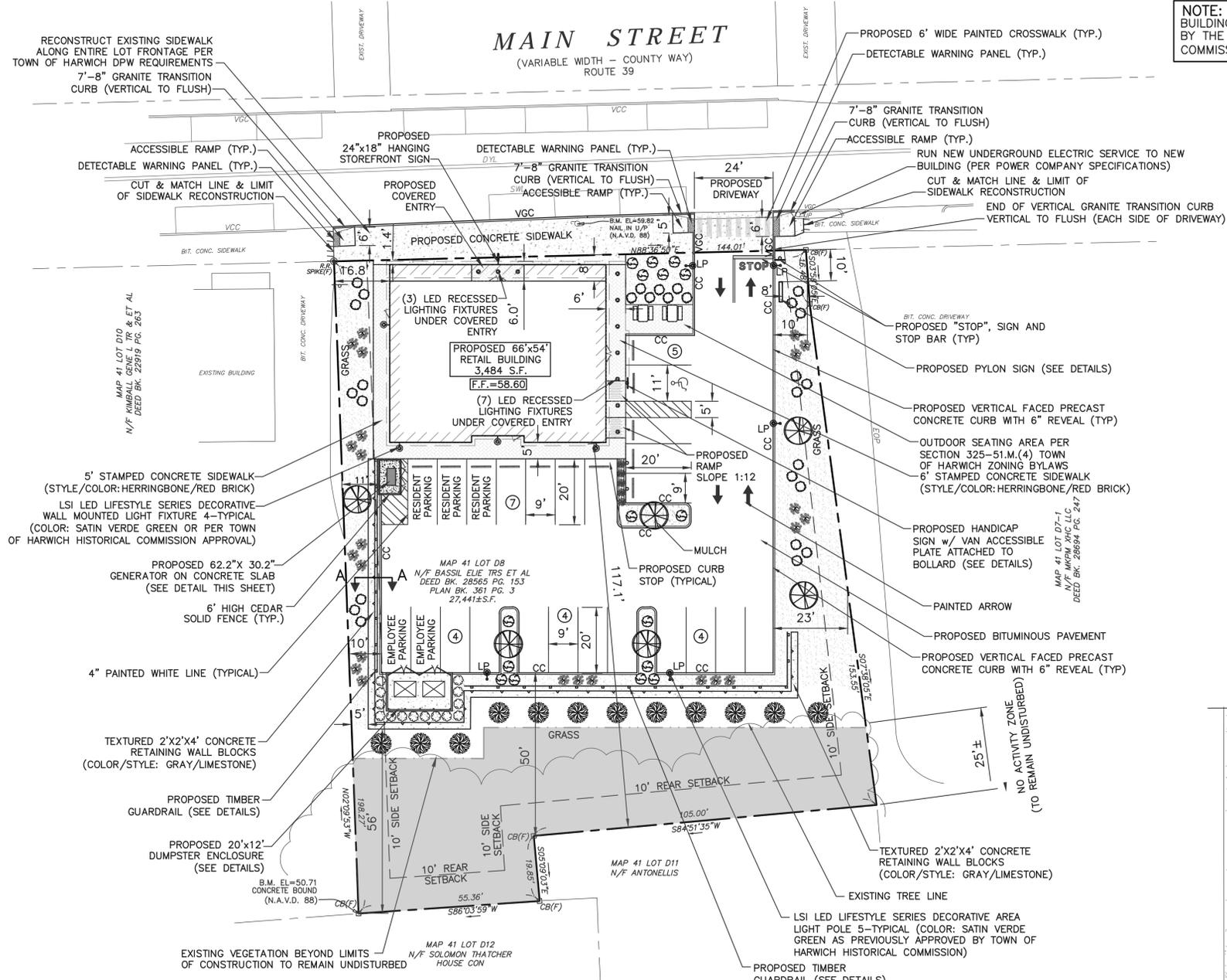
Dear Sir/Madam,

I am seeking approval for modification of site plan Special Permit PB2019-18 for 711 Main St, Harwich, MA 02645 to reduce the number of spaces by one and add a generator behind the building. We request a waiver from all other requirements as all other plans and requirements remain the same.

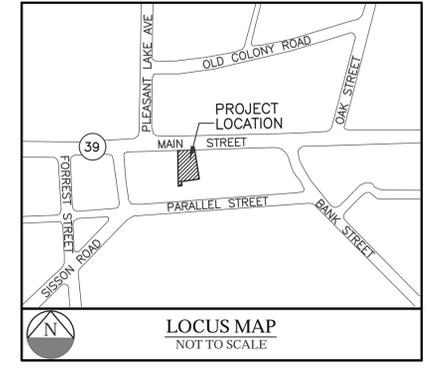
Sincerely,

A handwritten signature in black ink that reads "Saumil Patel". The signature is written in a cursive, flowing style.

Saumil Patel



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



MASSACHUSETTS COORDINATE SYSTEM
GRID NORTH - NAD 83

BUILDING 1st FLOOR AREA BREAKDOWN

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

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

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

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

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

Choubah Engineering Group, p.c.
CEG
Consulting Professional Engineers
112 STATE ROAD (ROUTE 6),
No. DARTMOUTH, MA 02747
TEL: (508) 858-5040 FAX: (508) 858-5041
www.choubahgroup.com

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

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

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

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

Issue Date: 11/10/2020

Revisions		
No.	Date	Description

Project Number: 18-511
Scale: AS SHOWN
Designed By: CMS
Drawn By: CMS Checked By: HC

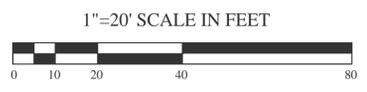
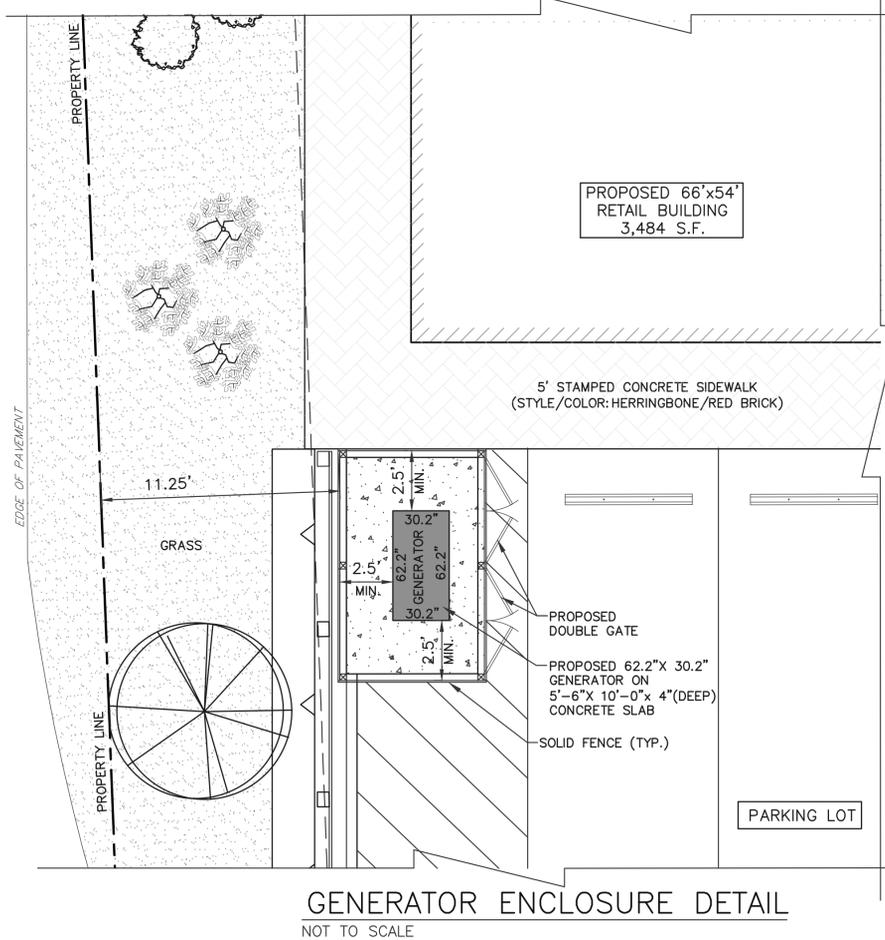
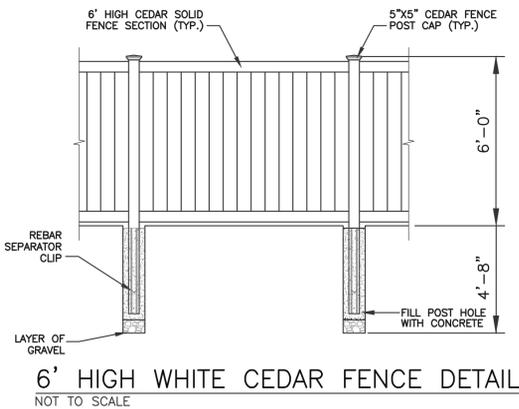
Sheet Title:
SITE LAYOUT PLAN

Sheet Number: 1 OF 1

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

PARKING DATA

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





FRONT VIEW



REAR VIEW

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

Applicant/Owner:
 711 MAIN STREET, LLC
 711 MAIN STREET
 HARWICH, MA 02645

Issue Date: 11/02/2020

Revisions		
No.	Date	Description

Project Number: 18-511

Scale: AS SHOWN

Designed By: CMS

Drawn By: CMS Checked By: HC

Sheet Title:
 ARCHITECTURAL RENDERING

Sheet Number.



AGENDA ITEM # III.D

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Date: January 5, 2021
Re: Staff Report #3 – Site Plan Review Special Permit & Use Special Permit

PB2020-26 The Royal Apartments LLC, as owner, Benjamin E. Zehnder, Esq., Representative, seeks approval of Special Permits for Multifamily Use, Site Plan Review and Harwich Center Overlay District for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting), §325-55 and §325.51.O (Harwich Center Overlay District), respectively. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district.

A public hearing on this matter was originally opened on Thursday, November 19, 2020. The Board voted to continue the hearing and to allow for an amendment to the application to include a Harwich Center Overlay District Special Permit, thus necessitating a new legal notice and renotification of the abutters. A new public hearing was scheduled for Thursday, December 17, 2020 not earlier than 6:30pm. Abutters were originally notified via certified mail on October 30, 2020; however the renotification did not happen until December 10, 2020, thus requiring a further continuance to January 12, 2020.

Description

The applicant seeks approval for a Site Plan Review Special Permit, a Use Special Permit for Multifamily and a Historic Center Overlay Special Permit for the two existing buildings on the site. The property had previously be used as an Assisted Living Facility and the new owner seeks approval for 26 apartments. Additional parking and an accessible front entrance will be added. The application was filed with the Town Clerk on October 13, 2020, and revised plans submitted on October 22 and 28, 2020 and November 5, 2020, and an amended application submitted November 18, 2020 and subsequent information submitted on November 25, 2020, including the following:

1. Form A – Special Permits & Site Plan Review
2. Form A Amended – Special Permits & Site Plan Review, received November 18, 2020
3. Amended - List of Waivers dated November 24, 2020
4. Filing fee of \$525 to cover the amended Special Permit request
5. Municipal Lien Certificate
6. AMENDED project narrative dated October 22, 2020 by Benjamin E. Zehnder
7. Packet of previous Board of Appeals decision and other correspondence
8. Set of plans for Royal Apartments, LLC., prepared by Coastal Engineering Co.:
 - a. Plan Showing Existing Site Conditions, dated 10-13-19, revised 1-6-2020 and 10-9-2020, scale 1" = 20', Sheet C1.1.1.

- b. Plan Showing Proposed Site Layout and Materials, dated 12-5-2019, revised 1-6-2020, 10-9-2020 and 10-21-2020, scale 1" = 20', Sheet C2.1.1.
 - c. Plan Showing Proposed Grading and Drainage, dated 12-5-19, revised 1-6-2020 and 10-9-2020, scale 1" = 20', Sheet C2.2.1.
 - d. Site Details, dated 12-5-19, revised 1-6-2020 and 10-9-2020, scale as noted, Sheet C2.4.1.
 - e. Utility Details, dated 12-5-19, revised 1-6-2020 and 10-9-2020, scale as noted, Sheet C2.4.2.
9. Set of plans for Royal Apartments, prepared by David H. Dunlap Associates, Inc.:
- a. Landscape and Site Electrical Plan, dated 10/13/20, scale 1" = 20', Sheet SP-1.
 - b. Parking Lot Lighting and Photometric Plan, dated 10/13/20, scale 1" = 20', Sheet SP-2.
 - c. Ground Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-1.
 - d. First Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-2.
 - e. Second Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-3.
 - f. Third Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-4.
 - g. Accessory Building Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-5.
 - h. Exterior Elevations, dated 10/13/20, scale 1/8" = 1'-0", Sheet A-6.
10. Stormwater Management Report for 328 Bank Street, Harwich, MA dated December 6, 2019, Revised: October 8, 2020, prepared for Royal Apartments LLC, Prepared by Coastal Engineering Co., Inc.

MGL Reference and Planning Board Jurisdiction

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

The Planning Board has jurisdiction to review this application pursuant to the Code of Town of Harwich:

§325-55 for Site Plan Review Special Permit for the reconfiguration of an existing parking lot. Further, pursuant to §325-55.E.(1) *“If the site plan meets the requirements of this By-law and the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended, the Planning Board shall approve it”*. However, **the Board cannot deny approval of a site plan for a use which is allowed by right** (not by special permit) in the district, but may impose reasonable conditions on the proposed use. Please refer to §325-55.E. for specific allowable conditions.

For the Use Special Permit, the Multifamily Bylaw Zoning Amendment was approved at the September 26, 2020 Annual Town Meeting. Although the bylaw has not been approved by the Massachusetts Attorney General (“AG”), the applicant is well within their rights to file for a Use Special Permit under the new provision. MGL Ch. 40A, §5 provides that a zoning bylaw becomes effective on the date the Town Meeting votes to approve the zoning bylaw. The applicant proceeds at their own risk, if the AG disallows the zoning amendment, any approvals from the Planning Board would be moot.

The new §325-51.Q provides the following:

§325-51.Q Multifamily Special Permit

1. The Planning Board shall serve as the special permit granting authority for multifamily developments, including conversion of existing structures/uses to multifamily and/or new construction.
2. A Site Plan Review special permit pursuant to §325-55 is also required.
3. All multifamily dwellings must be connected to a municipal water system.
4. A habitable room in a multifamily dwelling unit shall have a minimum floor area of not less than 120 square feet and shall have no major width or length dimension less than 10 feet. Closets, storage spaces, bathrooms and kitchens are not habitable rooms for the purpose of these minimum area and dimension requirements.
5. The number of multifamily dwelling units shall be determined by the ability to place an adequately size septic system for the number of bedrooms; and required parking per number of units and landscaping on the site pursuant to Article IX Off-Street Parking and Loading Requirements.
6. All outside entrances to multifamily dwellings shall provide protection to the immediate area in front of said entrance from the weather.
7. Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible use of the area outside the Drinking Water Resource Protection District will be made for the disposal of stormwater runoff and sewage.
8. Recreation areas. Where appropriate to the topography and natural features of the site, the Planning Board may require that at least 10% of the open space or two acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the multifamily development.

§325.51.O - Harwich Center Overlay District, provides the following:

1. Purpose. The Harwich Center Overlay District enables the development and redevelopment of Harwich Center to be in keeping with its historic development patterns, including the size and spacing of structures and provision of open space. The redevelopment of existing structures will encourage them to come into compliance with current plumbing, electric and building codes, as well as the latest fire and handicapped access regulations. Agencies involved with historic preservation will be encouraged to make recommendations on proposed development or redevelopment.
2. Scope.
 - a. Within the Harwich Center Overlay District, only property that is currently within the Commercial - Village (CV) Zoning District in Harwich Center is permitted to utilize this section, with the following two exceptions: property located on the southeast corner of the intersection of Sisson Road and Parallel Street just east of Forest Street, currently shown on Assessor's Map 40 as Parcel Z5, and the parcel located at the southwest corner of the intersection of Bank Street and Parallel Street, currently shown on Assessor's Map 41 as Parcel N4, are also permitted to utilize this section. All property owners, including

- the Town of Harwich, are required to locate the majority of structures on the street frontage portion of the property and to locate parking, septic and open space to the rear of the property.
- b. The dimensional requirements, including building setbacks, maximum site coverage and heights of these structures, are outlined in Subsection O(5) of this section.
 - c. This bylaw is intended to be used in conjunction with other regulations of the Town, including site plan review and other bylaws designed to encourage appropriate and consistent patterns of village development.
 - d. Applicants, with the approval of the Board of Health, and other agencies as required are encouraged to utilize new and improved technologies for septic treatment and stormwater drainage purposes.
3. Location. The Harwich Center Overlay District is shown on the following map: Harwich Center Overlay District, October 2003, prepared by the Town of Harwich Planning Department. The Harwich Center Overlay District is bounded on the south by Parallel Street from Bank Street to Sisson Road, but including the parcel on the south side of Parallel Street at Bank Street (also shown on Harwich Assessor's Map 41 as Parcel N4) and the parcel on the south side of Parallel Street at Sisson Road (also shown on Harwich Assessor's Map 40 as Parcel Z5); the district is bounded on the west by Sisson Road, Route 39 (Main Street) and Route 124 (Pleasant Lake Avenue); the district is bounded on the north by Old Colony Way to the west boundary line of Parcel C4-B, on Assessor's Map 41; the district is bound on the east by the west boundary line of Parcel C4-B, on Assessor's Map 41, and the east boundary line of the Town of Harwich owned land (Parcel C302 and C5, on Assessor's Map 41) and Bank Street to the southeast corner of Parcel N4 at Bank Street.
4. Procedure.
- a. The Planning Board shall serve as the special permit granting authority for developments within the Harwich Center Overlay District.
 - b. Prior to the submission of an application for special permit under this bylaw, the applicant may meet with the Planning Board at a public meeting for a preapplication conference to discuss the proposed development in general terms and establish the plan filing requirements. The Planning Board shall schedule a meeting for a preapplication conference following a written request from the applicant, inviting preliminary comments from the Board of Health, Conservation Commission, and any other interested officials or agencies. The purpose of this preapplication conference is to inform the Planning Board as to the nature of the proposed project. As such, no formal filings are required for the preapplication conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall concept of the proposed project and its relationship to abutting properties.
 - c. Special permit applications shall comply with and be subject to the requirements of § 325-55, Site plan approval.
5. Dimensional requirements.
- a. Setback requirements:

1. Front setback requirements shall be determined at the time of site plan review based on existing development patterns and the elements of the proposed project.
 2. Side lot line setback shall be 10 feet.
 3. Rear lot line setback shall be 10 feet.
 - b. Parking shall be permitted at the side or rear of the property.
 - c. Maximum site coverage shall not exceed 80%.
 - d. The maximum permitted height for new constructions shall not exceed 30 feet or 2 1/2 stories.
 - e. Minimum lot size shall be 15,000 square feet.
 - f. The Board may waive or modify these dimensional requirements if it finds 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. Uses. Uses permitted by right or special permit for the underlying zoning district remain. However, the following additional uses are allowable by special permit in the Harwich Center Overlay District, provided that all other zoning requirements herein are met:
- a. Inn.
 - b. Bed-and-breakfast.

Waivers

The following waivers have been request. The explanation from Attorney Zehnder is shown in *italics*.

1. Filing Fee – *Waiver was approved by the Planning Board at its May 12, 2020 meeting. Please note however that due to the amended request, an additional \$525 fee was submitted.*
2. Variance Notations on Plan – *Copies of variances and special permits provided in application packet.*
3. Existing Driveways within 100 feet of site – *The site plan shows existing driveways across Parallel and Bank Streets from locus. Showing driveways within 100 feet would require significant increase in the scale of the plan and there is no proposed increase in traffic.*
4. Lighting – *The applicant requests a waiver of the requirement to show lighting on the existing building as there are no changes proposed.*
5. Freestanding Signs – *The applicant has not determined the location of signage and will conform all signage to the sign bylaw.*
6. Parking Area Setback Requirements - *The applicant requests that the Planning Board waive parking area setback requirements set forth in Bylaw § 325-42L pursuant to the Boards right to waive such setbacks as set forth in Bylaw § 325-51.O(5)(F).*

Comments from other Boards, Departments, Committees

Health: The Senior Health Agent reviewed the application for approval of a multi-family use special permits in the Harwich center overlay district and a site plan review special permit at 328 Bank Street. The septic system was originally designed for 31 assisted living rooms, plus additional office space, for a total flow of 4773 gallons per day. The proposed floor plans show that 33 bedrooms are proposed, with a total flow of 3630. As the plan is proposed, the Health Department has no concerns, however; we do require that a passing Title 5 inspection be submitted prior to any building permit approval.

Fire Chief: No issues for the Planning Board from Fire for this project.

Police: The Deputy Chief had the traffic officer look at the plans. Here are Officer Holmes Comments, after meeting with Carla Burke, via email December 22, 2020: *“I had a nice conversation with Carla and explained where our input comes from as far as looking at past crashes and traffic complaints. She was happy I listened to her voice and concerns. After talking with her I did recognize one problem. The height and/or location of the current fence along Bank St limits the sightline looking south. Could we have planning recommend the fence be removed and/or reduced in height to meet the provisions of the Bulk Height By-Law? No other concerns from me.”*

DPW/Highway: No concerns.

Conservation: As proposed all work is outside the 100’ buffer zone. Erosion control shall be install on the 100’ line to ensure work stays out of conservation jurisdiction. Permits required if work will enter conservation jurisdiction. So long as no new activity is happening in the 100’ wetland buffer, conservation has no jurisdiction.

Engineering: The Town Engineer reviewed the plans with the Town Planner; comments are noted below. Additionally, he will be reviewing in detail the Stormwater Report and provide comments as needed.

Planning Staff Comments

1. As noted, the Town Engineer and Town Planner met to review the plans and application as submitted on October 23, 2020. We had four items which have all been fully addressed with the most recent revised plans and other clarifications.
2. The Board has historically granted waivers from all setbacks within the Overlay district. The requested waivers are reasonable.
3. At this time, the plans and requirements of the zoning bylaws appear to have been met.
4. As of January 5, 2021 (9:15 am), 16 letters/emails, copies attached, had been received from abutters and a legal representative of abutters. (Please note that two (2) of the letters (from Mongillo and Menzies) are duplicates and only one of each is attached).
5. Reasonable conditions are recommended including:
 - a. Erosion control shall be install and maintain during construction on the 100’ conservation buffer line to ensure work stays out of conservation jurisdiction. Permits from Conservation shall be required if work enters conservation jurisdiction.
 - b. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval.
 - c. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements.
 - d. All lighting shall comply with the Lighting Code and Historic District & Historical Commission Requirements.
 - e. Appropriate approvals from the Historic District & Historical Commission shall be required.
 - f. Any changes to the approved site may require additional review and approvals from the Planning Board and the Historic District & Historical Commission.
 - g. This decision shall be recorded at the Barnstable County Registry of Deeds.
 - h. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

VOTES

Continuance

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

Move to continue the hearing for **PB2020-26 Royal Apartments LLC**, to no earlier than 6:30 pm on ____ (Next Meeting Dates: *Jan. 26, Feb. 9, Feb. 23*) for the following reason(s): *Need to provide reasons for the continuance...additional information...taking it under consideration....*

IF THE PLANNING BOARD IS READY TO CLOSE THE PUBLIC HEARING:

I. Vote to Close the Public Hearing

II. Vote on Waivers:

To approve the following waivers and accept the reasons for each waiver as provided by the applicant:

1. Filing Fee.
2. Variance Notations on Plan.
3. Existing Driveways within 100 feet of site.
4. Lighting.
5. Freestanding Sign.
6. Parking Area Setback Requirements.

III. Vote to Adopt Proposed Findings:

To adopt the following findings of fact (*the Board may wish to add or change findings*):

1. The property is located within the M-R-L zoning district and the Harwich Center Overlay district.
2. The existing structure has been used as an assisted living facility containing 31 units.
3. 26 apartment units are proposed all of which meet the minimum floor area requirements.
4. Appropriate and adequate parking shall be provided on the subject site.
5. Multifamily Use is allowable within the MR-L zoning district with a Special Permit.
6. The Harwich Center Overlay District allows for waivers from dimensional provisions.
7. The use as developed will not adversely affect the neighborhood.
8. The specific site is an appropriate location for such a use.
9. The design is appropriate and consistent patterns of village development.
10. There will be no nuisance or serious hazard to vehicles or pedestrians.
11. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including appropriate sewage treatment.

IV. Vote on Use Special Permit: (*Please Note: An affirmative vote by at least five Planning Board members is required.*)

- A. To **approve** case number PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich.

B. To **approve with conditions** case PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following conditions are imposed: *(Note need to determine and outline the conditions.)*

1. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval.
2. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements.
3. This decision shall be recorded at the Barnstable County Registry of Deeds.

C. To **deny** case number case number PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the fact that the application does not meet the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich, specifically...*(Note: need to list the specific requirements that have not been satisfied.)*

V. **Vote on Harwich Center Overlay District Special Permit** *(Please Note: An affirmative vote by at least five Planning Board members is required.)*

A. To **approve** case number PB2020-26 The Royal Apartments LLC, for a Special Permit under the provision of §325-51.O – Harwich Center Overlay District of the Code of the Town of Harwich for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich.

B. To **approve with conditions** case PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following condition is imposed: *(Note need to determine and outline the conditions.)*

1. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval.
2. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements.
3. This decision shall be recorded at the Barnstable County Registry of Deeds.

- C. To **deny** case number case number PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the fact that the application does not meet the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich, specifically...*(Note: need to list the specific requirements that have not been satisfied.)*

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

- A. To approve with *conditions* case number **PB2020-26 The Royal Apartments LLC**, for a Site Plan Review for the proposed use, Multifamily, and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-55 for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and the fact that the Multifamily Use is permitted by Special Permit in the zoning district. The following conditions are imposed:
1. Erosion control shall be install and maintain during construction on the 100' conservation buffer line to ensure work stays out of conservation jurisdiction. Permits from Conservation shall be required if work will enter conservation jurisdiction.
 2. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval.
 3. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements.
 4. All lighting shall comply with the Lighting Code and Historic District & Historical Commission Requirements.
 5. Appropriate approvals from the Historic District & Historical Commission shall be obtained as required.
 6. Any changes to the approved site may require additional review and approvals from the Planning Board and the Historic District & Historical Commission.
 7. This decision shall be recorded at the Barnstable County Registry of Deeds.
 8. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.
- B. To **deny** the Site Plan Review Special Permit for case number PB2020-26 The Royal Apartments LLC, for the proposed use, Multifamily, and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-55 for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the fact that the Use Special Permit was denied and therefore the Site Plan Review Special Permit cannot be granted.



8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

Benjamin E. Zehnder
Direct Tel: 508.255.2133 ext. 128
bzehnder@latanzi.com

November 18, 2020

Anita N. Doucette, Town Clerk
Harwich Town Hall
732 Main Street
Harwich, MA 02645

Via hand delivery

Re: Planning Board Application PB2020-06
328 Bank Street, Harwich / Map 41, Parcel N4

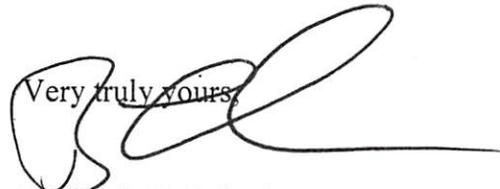
Dear Ms. Doucette:

Please find enclosed for filing with the above matter the following submittals to the Harwich Planning Board:

1. Amended Application – 2 copies;
2. Amended Narrative – 2 copies;
3. Filing Fee in the amount of \$525.00

This correspondence constitutes a request to the Planning Board that matter no. PB2020-06 be permitted to be amended as set forth herein to add a request for a so-called Harwich Center Overlay District special permit pursuant to Harwich Zoning Bylaw Section 325.51.O.

Thank you for your attention.

Very truly yours,

Benjamin E. Zehnder

BEZ/
cc via email only:
Charleen Greenhalgh, Town Planner
David Michniewicz, Client, Matt Nelson, David Reid, Esq.

A Legal Beacon since 1969

AMENDED APPLICATION
11/18/2020
BZL

TOWN OF HARWICH PLANNING DEPARTMENT



SPECIAL PERMITS & SITE PLAN REVIEW	FORM A
------------------------------------	--------

TO THE TOWN CLERK, HARWICH, MA DATE October 13, 2020

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	The Royal Apartments LLC 8 Alton Place, Brookline, MA 02446
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Benjamin E. Zehnder La Tanzi, Spaulding & Landreth
Mailing address	P.O. Box 2300
Town, ST, Zip	Orleans, MA 02653
Phone	(508) 255-2133 ext. 128
Fax	(508) 255-3786
E-mail	bzehnder@latanzi.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 _____

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

Official use only:

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

Case # _____

(Handwritten signatures and date 11/13/20)

11/18/20

PART B – PROJECT LOCATION

Legal Street Address	328 Bank Street	Village/Zip Code	02645
Title Book/Page or L.C.C. #	B.C.R.D. Book 32263, Page 179 / Plan Book 389, Page 98		
Map(s) / Parcel(s)	Harwich Assessor's Map 41 Parcel N4		
Zoning & Overlay Districts	MRL; Harwich Center Overlay	*Historic?	Harwich Center Historic Dist.
Frontage (linear feet)	42,403		
Total land area (s.f.)	82,443		
Upland (s.f.)	71,444	Wetlands (s.f.)	10,999

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross:	Net:
Proposed Floor Area in Sq. Ft	Gross:	Net:
Change in Sq. Ft + / -	Gross: 0	Net: 0
Existing # of parking spaces	Proposed # of parking spaces: 43	
Existing Use(s)	former nursing home / assisted living & senior day care	
Proposed Use(s)	Multifamily use containing 26 units.	
<i>Attach a separate narrative if necessary.</i>		

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

Site Plan Review § 325-55:

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

Article V, Use Regulations:

- Paragraph _____, 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) Multifamily Dwelling s. 325-51(Q)
- 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



SECOND AMENDED Project Narrative

328 Bank Street
Assessor's Parcel ID 41-N4
The Royal Apartments LLC
Application for Planning Board Site Plan Approval and Special Permit

November 18, 2020

Prepared by Benjamin E. Zehnder / La Tanzi, Spaulding & Landreth

Applicant The Royal Apartments LLC ("Royal Apartments") owns the land at 328 Bank Street, Assessor's Parcel ID 41-N4, which is a developed 82,443 sq. ft. parcel of land in Harwich's MRL (Multifamily Residential - Low Density) zoning district and the Harwich Center Overlay District and the Harwich Center Historic District. The property has 424.3' of frontage along Parallel Street and Bank Street and is improved with two existing buildings. Locus has most recently been used for nursing home / assisted living facility and a senior day care facility uses.

The applicant intends to refit the existing two structures for 26 apartment units, which will constitute a Multifamily use allowable in the MRL district by grant of a Planning Board special permit under the Table of Use Regulations. In addition, the applicant has applied for Site Plan Approval pursuant to Bylaw § 325-55, as required by subsection (C)(2) [expansion or reconfiguration of an existing parking lot and/or driveway(s) in connection with a multifamily use] and (C)(3) [Establishment of any new multifamily facility,] and has applied for an Harwich Center Overlay District Special Permit pursuant to Bylaw § 325-51.O.

The applicant requests that the Planning Board waive parking area setback requirements set forth in Bylaw § 325-42L pursuant to the Boards right to waive such setbacks as set forth in Bylaw § 325-51.O(5)(F).

Locus is dimensionally conforming for the proposed multifamily use, having more than the required minimum 150' of continuous lot frontage and 25' side and rear setback distances to the existing structures under the §325-16 (Table 2) Area Regulations. (Because the property is a lawfully pre-existing structure proposed for conversion to multifamily use, the 82,443 sq. ft. lot size is allowable under §325-16). In addition, the property has a proposed site coverage percentage of 48.0%, well less than the maximum site coverage percentage requirement of 80% in the Harwich Center Overlay District under §325-51(O)(5)(c).

The applicant proposes minimal reconfiguration of the existing structure. It will renovate and update the buildings' interiors and perform exterior maintenance and painting. It will also reconfiguring the parking areas to create 43 parking spaces to accommodate the proposed 26 new apartments. In connection with this work the applicant will remove one curb cut from Parallel Street and install new retaining walls adjacent to the new parking areas.

The proposed apartments will be a mix of studio, 1- and 2-bedroom apartments in the two existing buildings (14 studios, 8 one-bedroom and 4 two-bedroom units). This proposal will benefit the community by increasing the stock of year-round, lower cost apartment housing in Harwich and by contributing to a livable, pedestrian friendly town center.

1. Harwich Zoning Bylaw §325-51(A)(1) Special Permit Responses:

Residential multifamily dwelling use is allowable in the MRL district by special permit. The applicant responds to the special permit granting criteria set forth at Bylaws §325-51(A)(1) as follows:

(a) *The use as developed will not adversely affect the neighborhood:*

The property has been used as the location of a lodging house or inn going back to the 19th century, and has been used as a nursing home / assisted living facility since the mid 1980s. This area of Harwich has developed over time in conjunction with a relatively intensive residential use of locus, and the use of the property to house unrelated individuals or households is not new.

The Harwich Center area will benefit from having a greater residential base within walking distance, which will make the area more pedestrian-oriented and increase the number of people visiting local businesses and benefiting the sense of community.

The neighborhood and Harwich Center will not be adversely affected by utilizing a presently unoccupied building for the multifamily apartment use, which is closely related to the former assisted living facility in terms of how the site will be accessed, traversed, and used, and the manner in which it relates to the surrounding area.

(b) *The specific site is an appropriate location for such a use, structure or condition:*

Locus is an appropriate location for multifamily use. The two buildings have already been divided into separate living areas and hallways, with plumbing and utilities serving all living areas, making it less costly and difficult to convert the buildings to multifamily use than it would be to convert to a retail or industrial building. In addition, the parking and walkways have all been designed to support the same type and approximate number of visitors multifamily use generates.

Furthermore, the property has historically been used as accommodations, including the most recent use as an assisted living facility. As such, there will be significantly less impact on the surrounding neighborhood than would result from the installation of a different use or the conversion of the buildings to support a different type of use. The property neighbors will not have to adapt to new traffic patterns, deliveries, or structures, and will not be negatively impacted.

Together, these factors make the property an appropriate site for the proposed multifamily use.

(c) *There will be no nuisance or serious hazard to vehicles or pedestrians:*

The property has been used for residential accommodations since the 19th century, and has been used recently as an assisted living facility since the mid 1980s. The uses have not presented a nuisance or serious hazard to vehicles or pedestrians, and the similar multifamily use will not materially change the manner in which the property is accessed or used, or its relationship to the neighborhood.

Furthermore, the applicant has proposed eliminating one of the three curb cuts on Parallel Street, converting a second driveway to emergency vehicle use only, slightly widening the one remaining curb cut, and rebuilding the parking and pedestrian access within the site. The applicant does not expect a risk of nuisance or serious hazard to vehicles or pedestrians from its proposal, and expects that the proposed configuration will improve traffic safety relative to the current layout

(d) *Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayments:*

The site has adequate and appropriate facilities for the proper operation of the proposed residential use. The property is served by existing utility services sufficient for the proposed 26 apartment units, including town water. The applicant proposes two new stormwater drainage systems designed to infiltrate the runoff from a 100 year storm, and the existing sewage disposal system has a permitted design flow of 4,773 g.p.d., which is in excess of the 3,300 g.p.d required for the 30 bedrooms proposed.

The applicant does not propose any new use or intensification of existing uses which would impact any water supply well, pond, or saltwater embayment, and does not propose any use within the 100' wetland buffer zone.

2. Harwich Zoning Bylaw §325-51(Q) Multifamily Special Permit Responses:

The applicant responds to the additional criteria for granting a Planning Board multifamily special permit set forth at Bylaws §325-51(Q) as follows:

(1) *The Planning Board shall serve as the special permit granting authority for multifamily developments, including conversion of existing structures/uses to multifamily and/or new construction:*

The applicant has submitted its within application for conversion of the existing structures to multifamily dwellings.

(2) *A Site Plan Review special permit pursuant to §325-55 is also required:*

The applicant has simultaneously filed for Site Plan Review.

(3) *All multifamily dwellings must be connected to a municipal water system:*

The property is connected to the Harwich water system.

(4) *A habitable room in a multifamily dwelling unit shall have a minimum floor area of not less than 120 square feet and shall have no major width or length dimension less than 10 feet. Closets, storage spaces, bathrooms and kitchens are not habitable rooms for the purpose of these minimum area and dimension requirements:*

No proposed habitable room has a minimum floor area of less than 120 sq. ft. or a major width or length dimension of less than 10 feet.

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

The existing sewage disposal system has a permitted design flow of 4,773 GPD. The applicant proposes 26 dwelling units containing a total of 30 bedrooms, which equals a daily flow of 3,300 gallons at 110 gallons per bedroom, in compliance with this requirement.

Per the parking and loading requirements, multifamily use requires 1.5 parking space per studio or one bedroom unit, and 2 spaces per two bedroom unit. The proposed 26 dwelling units (14 studios, 8 one-bedroom and 4 two-bedroom units) therefore require a total of 41 spaces. The applicant will provide 43 parking spaces, including two handicapped accessible spaces, and will provide in its leases and regulations that no unregistered vehicles, boats or trailers be parked on the property.

(6) *All outside entrances to multifamily dwellings shall provide protection to the immediate area in front of said entrance from the weather:*

The applicant does not propose any exterior alterations to the buildings other than installation of an awning over the Parallel Street entrance. The applicant believes that the structures comply with the intent of the bylaw requirement.

- (7) *Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible use of the area outside the Drinking Water Resource Protection District will be made for the disposal of stormwater runoff and sewage:*

Locus is not located within a Drinking Water Resource Protection District and the applicant is not proposing erecting any new buildings.

- (8) *Recreation areas. Where appropriate to the topography and natural features of the site, the Planning Board may require that at least 10% of the open space or two acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the multifamily development:*

The existing site has areas of lawn and patio along the Parallel Street side of the property and behind and in front of the main building. The applicant proposes these areas for use by the residents as recreation areas.

3. *Harwich Zoning Bylaw §325-55 Site Plan Review Responses:*

Pursuant to §325-55(C)(2), Site Plan Approval by the Planning Board is required for any expansion or reconfiguration of an existing parking lot and/or driveway in connection with multifamily use, and pursuant to §325-55(E)(1) approval may be reasonably conditioned to ensure certain minimum standards are met. The applicant responds to the site plan review criteria as follows:

- (a) *Reasonable measures are implemented to provide for screening of parking areas or other parts of the premises, for adjoining premises or from the street, by walls, fences, plantings or other devices:*

Locus is screened to the south, southwest, and southeast (where there is an existing wetland) by natural vegetation and trees, and no change is proposed to these areas. The applicant proposes numerous additional screening plantings of Alberta Spruce and Emerald Green Arborvitae at the westerly, northwesterly and northeasterly areas of the property, all as shown on the landscape plan. The applicant also proposes new tree clusters at five additional locations on the interior of the site. Together, these plantings will effectively provide visual screening of the parking and other areas of locus for adjoining properties and from the street.

- (b) *The convenience and safety of vehicular and pedestrian traffic are enhanced:*

The applicant has proposed a redesigned parking area, with newly reconstructed sidewalks, retaining walls, fences, and landings and ramps, and has proposed elimination

of one vehicle entrance to the property, construction or reconstruction of berming at the edge of Parallel Street, and construction of a new entrance with stop sign to the road. These changes are expected to improve the convenience and safety of pedestrian and vehicular traffic to and within the site.

- (c) *Surface water from parking areas and driveways will be efficiently and safely disposed of by means of a proper drainage system as specified in the Board's approval:*

The applicant has designed two new stormwater drainage systems designed with capacity sufficient to infiltrate the runoff from a 100 year storm, based on field measured soil infiltration rates and computer modeling of the site, and submits that the proposed system will dispose of surface water from the parking areas and driveways efficiently and safely. Please see proposed drainage and grading plan filed herewith.

– END –



**La Tanzi
Spaulding
& Landreth**

8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

Benjamin E. Zehnder
Direct Tel: 508.255.2133 ext. 128
bzehnder@latanzi.com

October 13, 2020

Anita N. Doucette, Town Clerk
Harwich Town Hall
732 Main Street
Harwich, MA 02645

Via hand delivery

Re: New Planning Board Application
328 Bank Street, Harwich / Map 41, Parcel N4



Dear Ms. Doucette:

Please find enclosed for filing the following new application submittals to the Harwich Planning Board for Site Plan Review and a use Special Permit, for the above property:

1. Application with Owner Authorization – 2 originals;
2. List of Waiver Requests – 2 copies;
3. Municipal Lien Certificate – 2 copies;
4. Narrative – 2 copies
5. Abutters List – 2 copies – original to be delivered by Assessor;
6. Copies of prior zoning and planning decisions – 2 sets
7. Coastal Engineering Plan Set – (6) full size and (11) 11x17 sets including sheets C.1.1.1 Existing Site Conditions, C2.2.2 Proposed Site Layout, 2.2.1 Proposed Grading and Drainage, C2.4.1 Site Details and C2.4.2 Utility Details;
8. David H. Dunlap Associates, Inc. Plan Set - (6) full size and (11) 11x17 sets including sheets SP-1 Landscape and Lighting, SP-2 Parking Lot Lighting, A-1 Ground Floor Plan, A-2 First Floor Plan, A-3 Second Floor Plan, A-4 Third Floor Plan, A-5 Accessory Building Plan, A-6 Exterior Elevations;
9. Drainage Calculations – 2 stamped original sets;

Please note that the Planning Board waived the filing fee for this matter at its meeting of May 12, 2020, minutes attached in the prior zoning and planning decisions.

Thank you for your attention.

A Legal Beacon since 1969



La Tanzi
Spaulding
& Landreth

8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

Very truly yours,

Benjamin E. Zehnder

BEZ/

cc via email only:

Charleen Greenhalgh, Town Planner
Client
David Michniewicz
Matt Nelson



A Legal Beacon since 1969



8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

Benjamin E. Zehnder
Direct Tel: 508.255.2133 ext. 128
bzehnder@latanzi.com

October 22, 2020

Anita N. Doucette, Town Clerk
Harwich Town Hall
732 Main Street
Harwich, MA 02645 Via hand delivery

Re: Planning Board Application PB2020-06
 328 Bank Street, Harwich / Map 41, Parcel N4

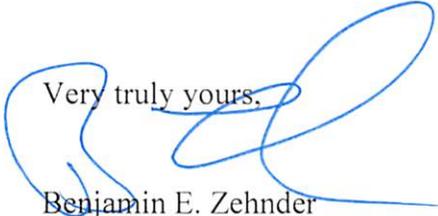
Dear Ms. Doucette:

Please find enclosed for filing the following submittals to the Harwich Planning Board for Site Plan Review and a use Special Permit, for the above property:

1. Amended Narrative – 2 copies;
2. Coastal Engineering Plan replacement Sheet C.2.2.1 Revision Date 10-21-2020 – (2) full size and (11) 11x17 sheets;
3. David H. Dunlap Associates, Inc. replacement sheets A-1, A-2, A-3, A-4 and A-5 – Revision Date 10-19-2020 -

Thank you for your attention.

Very truly yours,


Benjamin E. Zehnder

BEZ/
cc via email only:
Charleen Greenhalgh, Town Planner
David Michniewicz, Client, Matt Nelson

A Legal Beacon since 1969

TOWN OF HARWICH PLANNING DEPARTMENT



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

TO THE TOWN CLERK, HARWICH, MA DATE October 13, 2020

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	The Royal Apartments LLC 8 Alton Place, Brookline, MA 02446
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Benjamin E. Zehnder La Tanzi, Spaulding & Landreth
Mailing address	P.O. Box 2300
Town, ST, Zip	Orleans, MA 02653
Phone	(508) 255-2133 ext. 128
Fax	(508) 255-3786
E-mail	bzehnder@latanzi.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.

[Handwritten Signature] 10/13/20
 Applicant _____

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

Official use only:

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

Case # _____

PART B – PROJECT LOCATION

Legal Street Address	328 Bank Street	Village/Zip Code	02645
Title Book/Page or L.C.C. #	B.C.R.D. Book 32263, Page 179 / Plan Book 389, Page 98		
Map(s) / Parcel(s)	Harwich Assessor's Map 41 Parcel N4		
Zoning & Overlay Districts	MRL; Harwich Center Overlay	*Historic?	Harwich Center Historic Dist.
Frontage (linear feet)	42,403		
Total land area (s.f.)	82,443		
Upland (s.f.)	71,444	Wetlands (s.f.)	10,999

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross:	Net:
Proposed Floor Area in Sq. Ft	Gross:	Net:
Change in Sq. Ft + / -	Gross: 0	Net: 0
Existing # of parking spaces	Proposed # of parking spaces: 43	
Existing Use(s)	former nursing home / assisted living & senior day care	
Proposed Use(s)	Multifamily use containing 26 units.	
<i>Attach a separate narrative if necessary.</i>		

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

Site Plan Review § 325-55:

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

Article V, Use Regulations:

- Paragraph____, 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) Multifamily Dwelling s. 325-51(Q)
- 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

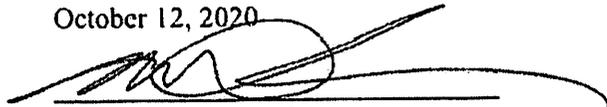
BZ

Owner Authorization

328 Bank Street
Assessor's Parcel ID 41-N4
The Royal Apartments LLC
Application for Planning Board Site Plan Approval and Special Permit

The Royal Apartments LLC hereby authorizes Benjamin E. Zehnder and La Tanzi, Spaulding & Landreth, LLP to prosecute all necessary applications before the Town of Harwich Planning Board for development of the property at 328 Bank Street, Harwich, MA.

October 12, 2020



Matthew Newman, Manager

AMENDED - List of Waiver Requests

328 Bank Street
Assessor's Parcel ID 41-N4
The Royal Apartments LLC
Application for Planning Board Site Plan Approval and Special Permit

November 24, 2020

Prepared by Benjamin E. Zehnder / La Tanzi, Spaulding & Landreth

Pursuant to Harwich Town Code §400-6 applicant The Royal Apartments LLC requests the following waivers from the requirements Harwich Town Code §400-16(B)(1)(a) and Appendix 4:

1. Filing Fee – Waiver was approved by the Planning Board at its meeting of May 12, 2020.
2. Variance Notations on Plan – Copies of variances and special permits provided in application package.
3. Existing Driveways within 100 feet of site – The site plan shows existing driveways across Parallel and Bank Streets from locus. Showing driveways within 100 feet would require significant increase in the scale of the plan and there is no proposed increase in traffic.
4. Lighting – The applicant requests a waiver of the requirement to show lighting on the existing buildings as there are no changes proposed.
5. Freestanding Signs – The applicant has not determined the location of signage and will conform all signage to the sign bylaw.
6. Parking Area Setback Requirements - The applicant requests that the Planning Board waive parking area setback requirements set forth in Bylaw § 325-42L pursuant to the Boards right to waive such setbacks as set forth in Bylaw § 325-51.O(5)(F).

END

State Tax Form 290
 Certificate: 380
 Issuance Date: 10/09/2020

MUNICIPAL LIEN CERTIFICATE
 TOWN OF HARWICH - LIVE DATA
 COMMONWEALTH OF MASSACHUSETTS

Requested by LATANZI, SPAULDING & LANDRETH, APTYS

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 10/09/2020 are listed below.

DESCRIPTION OF PROPERTY

Parcel ID: 41/N4-E

328 BANK ST

THE ROYAL APARTMENTS LLC
 9 ALTON PL UNIT 5
 BROOKLINE MA 02446

Land area : 1.89 AC
 Land Value : 412,300
 Impr Value : 1,085,300
 Land Use : 0
 Exemptions : 0
 Taxable Value: 1,497,600

Deed date: 08/30/2019 Book/Page: 32263/179
 Class: 0100-GENL

FISCAL YEAR	2021	2020	2019
DESCRIPTION			
COMMUNITY PRESERVATION ACT	\$196.11	\$392.22	\$480.35
REAL ESTATE TAX	\$6,537.03	\$13,074.05	\$16,011.76
TOTAL BILLED:	\$6,733.14	\$13,466.27	\$16,492.11
Charges/Fees	\$0.00	\$0.00	\$0.00
Abatements/Exemptions	\$0.00	\$0.00	-\$1,039.02
Payments/Credits	-\$3,366.57	-\$13,466.27	-\$15,453.09
Interest to 10/09/2020	\$0.00	\$0.00	\$0.00
TOTAL BALANCE DUE:	\$3,366.57	\$0.00	\$0.00

NOTE: Actual 2021 taxes not yet issued.

OTHER UNPAID BALANCES:
 2021 UTILITY BILLING \$125.62
 TOTAL OTHER UNPAID BALANCES: \$125.62

IF CHECKED, contact Treasurer's Office at 508-430-7501 for update

- This property is in TAX TITLE.
- This property has a BETTERMENT.
- This property has a DEFERRAL.
- This property is currently EXEMPT.

Amy Bullock

AMY BULLOCK
 TOWN COLLECTOR/TREASURER

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

41-N4

DECISION

#79-17

On Tuesday, May 29, 1979, the Harwich Board of Appeals heard the appeal of Eleanor L. Stevens, 23 Snow Inn Road, Harwich Port, MA, 02646. The Petitioner, who is the owner of the property at Bank and Parallel Streets, Harwich, MA, 02645, known as the Old Harwich Inn, sought a continuation of a non-conforming use in the name of Forrest A. Eaton, Jr. and Gregory Y. Winston to allow the "Inn" to be restored for the purpose of renting ten (10) rooms, serving breakfast and retail sale of antiques. Under Table 1, Use Regulations, such uses are prohibited in an MRL Zone.

The Board found the following:

1. The property in question has a history as an Inn, Lodging House, Guest House, etc., dating back to the 19th century;
2. Petitioner plans to rent rooms, serve breakfast and sell antiques;
3. ~~The Building will be restored as closely as possible to the way it was in its early history.~~

~~In consideration of all the evidence in this case, the Board voted unanimously to grant the relief on the grounds that in a renovated state, the property would be an asset to the Town as well as to the petitioner. Further, the Board saw no evidence that this relief would be a deregation from the intent of the By-Law since in fact the proposed use would be the asset referred to above.~~

Extension to non-conforming use granted.

Members present and voting:

John L. Roche
Walter Hemeon
William Jussila
George Vagenas
Ernest Elge

HARWICH BOARD OF APPEALS


Chairman

DECISION

#83-39

On October 25, 1983, the Harwich Board of Appeals heard the Petition of Gregory Winston, 328 Bank Street, Harwich, Mass., by his Attorney, Howard C. Cahoon, Jr., Old Colony Road, Harwich, Mass. 02645. The Petitioner, who is the owner of the Bank Street property as shown on Assessors' Map 41-N4 sought an extension of a non-conforming use to allow the construction of an apartment on the third floor of the premises at 328 Bank Street, Harwich, Ma., and/or a variance from the Harwich Protective By-Laws, Section VI, Paragraph D, Sub-paragraph 14 and Paragraph F to allow habitation on the third floor and a variance from Section V, Table 1, Use Regulations, Paragraph 1, Sub-paragraph 2, to allow a second kitchen on the premises. The approval of the Board of Appeals is required in the granting of an extension of a non-conforming use and a variance.

In the evidence taken in this case, the Board found:

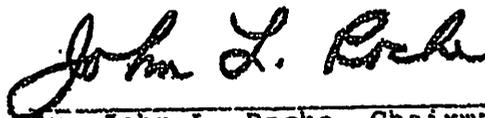
1. The building in question has a long history as a lodging guest house;
2. The Petitioner has done a considerable amount of renovation since purchasing the property;
3. The Petitioner has approval to rent to ten (10) people, and his clients are elderly men and women;
4. The proposed apartment would be for the Petitioner's private use.

In consideration of all of the evidence, the Board voted unanimously to grant the variance on the grounds that the building is unique because of its history as a lodging/guest house. The Petitioner faces undue hardship if denied the chance to enjoy much needed privacy in his own home. Further, the Board saw no evidence that the granting of this variance would be a detriment. In fact, the Board found that the entire project, under Mr. Winston's supervision, is an asset to the community. There was no evidence that the granting of this variance would derogate from the intent of the By-Law since the use of the third-floor apartment is for Gregory Winston, personally, and in the event of the sale of the property, the approval of the use ceases.

Variance granted with condition noted.

Members present and voting: John L. Roche, Walter Hemen, Eleanor Tobey, Alice Dalzell, and John Ferreira.

HARWICH BOARD OF APPEALS



Dr. John L. Roche, Chairman

DECISION

#84-55

On October 30, 1984, the Harwich Board of Appeals heard the petition of Gregory Winston, 328 Bank Street, Harwich, MA. The Petitioner, who is the owner of the above property, as shown on Assessors' Map 41-N4, sought an extension of a non-conforming use to allow the construction and rental of eight (8) bedrooms, four (4) of which have adjoining living rooms.

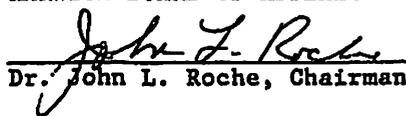
In the evidence taken in this case, the Board found:

1. The property in question is non-conforming since it fails to have the required setback from a road;
2. Without kitchen facilities, the proposed project is not classified as multi-family.

In consideration of all the evidence in this case, the Board voted unanimously to grant the extension to a non-conforming use on the grounds that the evidence did not suggest that the extended use would be substantially more detrimental than the present use.

Extension to non-conforming use granted.

HARWICH BOARD OF APPEALS


Dr. John L. Roche, Chairman



HEARING #85-52

The petition of Gregory Y. Winston, 328 Bank Street, Barwich, MA 02645. The petitioner who is the owner of the property as shown on Assessor's Map 41, Parcel N-4 seeks an extension of a non-conforming use to allow eight units to have efficiency kitchens at the Winstead Retirement Center under By-Law Section X, Paragraph J. In the alternative, the petitioner seeks a variance under Section VI Paragraph 13 to accomplish the same. The approval of the Board of Appeals is required in the granting of an extension of a non-conforming use or a variance.

Mr. Winston was represented by Attorney Richard Cain. Mr. Cain told the Board that Mr. Winston has owned and operated the Winstead Retirement Center since 1979. His client is asking the Board's approval to add eight extremely small, executive-type kitchenettes to eight of sixteen new units to be added to the Retirement Center, thus the Winstead Retirement Center might now be considered a multi-family unit. Mr. Cain emphatically stated to the Board that the need for such kitchen facilities, although very compact in nature with no accessory appliances, such as dishwashers, microwaves and the like, is more emotional than a need or necessity as the proposed facilities meet the emotional needs of senior citizens transferring from their homes to retirement center lifestyles. Winstead, Cain went on to say, is senior citizen group living with an excellent community life aspect.

The attorney told the Board his client is seeking an extension to a non-conforming use because the proposed additions do not vary the facility from guest house status to multi-dwelling facility. The Retirement Center has extremely good relations with its neighbors in the area and Mr. Winston has no plans to sell this property in the near future.

Building Inspector: Mr. Lovinsky stated that a dwelling unit that can be used separately falls under zoning for multi-family dwelling. This he felt would be a multi-family dwelling with kitchen and a Variance for this would be necessary to be obtained from the Board. Bradgate, a proposed Condominium, was previously granted a Variance for multi-family use.

Town Officials: Freeman Allison, Selectman, felt that "a kitchen is a kitchen" and also felt that Mr. Winston should come before the Board for a Variance.

‡ No one spoke in favor of the petition.

George Cavanaugh, an attorney for Bradgate Condominiums, spoke in opposition to the project. He stated that Winstead is a multi-family use and if this project were allowed, Bradgate would still have the right to build 70 Condominium units.

There was no correspondence.

Board Member John Ferreira felt that the substantial amount of space devoted to appliances would be installed in the units. Philip Lindquist, architect for the project, stated that appliances would be of necessity extremely small (i.e. 9 cubic foot refrigerator, two-burner stove, tiny sink) as Mr. Winston wants to retain control of what takes place in his units. The units are only a symbol of independence to the residents of Winstead, nothing more than the means by which residents could partake of a small snack or a very light breakfast. Chairman Jussila wanted to know who controls meals at the Center, Mr. Winston replying that Winstead offers a full meal service and he would welcome restrictions on the kitchens if the Board so desired. He is asking for the kitchenettes, so to speak, to wean individuals from a home lifestyle to a retirement center lifestyle.

Freeman Allison again told the Board that a Variance was necessary and the Planning Board's past opposition to the project re density.

Sara Ayer moved that petition be granted for non-conforming use, adding that in addition to her work with the elderly, she felt that seniors moving from home to the center still needed to retain some type of independence and most retirement centers offer some adjunct to their main kitchen facilities.

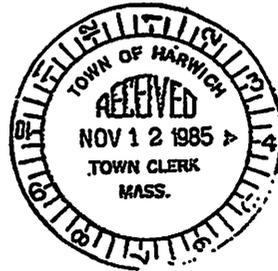
DECISION #85-52

On October 29, 1985, the Harwich Board of Appeals voted unanimously to allow Gregory Y. Winston, 328 Bank Street, Harwich, MA 02645 to withdraw Petition #85-52 without prejudice.

HARWICH BOARD OF APPEALS

William J. Jussila

William J. Jussila, Chairman



Dean Derby approved of the petition for non-conforming use so long as restrictions were placed on the use of small appliances in them. Walter Hemeon stated that the Board has a legal obligation to protect the property abutting Winstead, namely Bradgate Condominiums.

Chairman Jussila suggested meeting with Town Counsel Falla to resolve this problem and return for next month's meeting. He preferred tabling the motion until October when the Board was able to receive Town Counsel Falla's opinion as to what legally constitutes a kitchen.

On motion by Walter Hemeon, seconded by Sara Ayer, it was the unanimous vote of the Board to table the motion until the October meeting.

On June 25, 1986, the Harwich Board of Appeals held a public hearing on the petition of Gregory V. Winston, 200 Bank Street, Harwich, MA 02645, as shown on Massachusetts Map 44, parcel N4 who sought an extension of a non-conforming structure to add to an existing third floor bedroom.

After the hearing, the Board made the following findings:

1. The addition has already been completed.
2. The addition is to a third story bedroom of the original structure.
3. Access to the addition is only through the original structure that is only two stories.
4. The addition in question is the same as the addition the Board gave permission to construct last year so that the petitioner could enlarge existing rooms on the original structure.

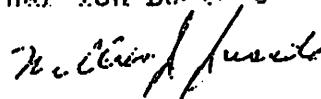
Based on the facts found, the Board voted 4 to 0 to grant the extension to a non-conforming structure.

Members voting in favor:

Peterson, Hemen, Ferreira,
Jussila

Abstaining:
Ayer

Harwich Board of Appeals



William J. Jussila, Chairman



The Board of Appeals met in the meeting room of Town Academy Building, Sisson Road, Harwich, MA, on June 22, 1986 to hear the appeal of the following:

- 6.30 Gregory Y. Inston. Property owned at 58 Bank Street, Harwich, MA, 02645. Petition is for extension of nonconforming structure. Pictures of the existing structure were presented. Petitioner wants to add to an existing third floor bedroom.

This is a unique situation in that the addition can be seen as either a second or third floor level. From Bank Street, it appears to be a second floor room. From another, it may be seen as level with a third floor addition built last summer, with a building permit granted by this Board.

The original house is one of two levels, on which this bedroom was added. However, later additions were of three levels. The question is whether this bedroom is part of the original building.

Roger Peterson questioned if the entrance to the bedroom was on Bank Street, where it is two levels. Mr. Inston replied that it was.

Thomas Lovinsky, Building Inspector, stated that without the new addition, the bedroom would be allowable, because it could not appear as three levels. He, himself, had gone by the house a few times without noticing this. The confusion was whether it was part of the old or new house.

Sara Ayer asked if access to the room was from the old house only. The response was yes. She interpreted the situation for clarification that the room was part of the original house on the second floor, and the only access is from the original house.

The hearing was closed at 8:00 p.m. by the chairman.

A motion was made and seconded to approve the extension. There was a 4-0 vote in favor, with Sara Ayer abstaining.



FILE COPY



Royal Health Group

8 Lewis Point Road • Buzzards Bay, Massachusetts 02532 • Tel 508 759-5752 • Fax 508 759-3628

October 25, 2005

OCT 26 2005

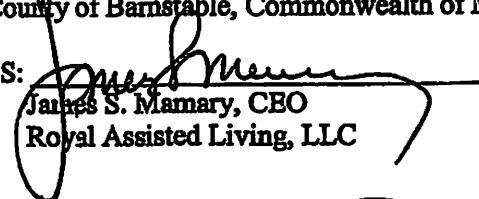
Mr. Jeff Larson
Building Inspector
Town of Harwich
732 Main Street
Harwich, MA 02645

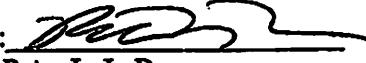
Re: Royal at Harwich Village
328 Bank St. Harwich
Dear Mr. Larson:

This letter is to confirm the following details. The property located at 328 Bank Street now known as The Royal; was earlier know as the Winstead. As the Winstead; the prior owners of the property were most recently licensed to operate an Assisted Living Facility. This was confirmed to us in writing by the Town of Harwich; Banknorth; and the Commonwealth of Massachusetts, Office of Elder Affairs. As you may be aware; Banknorth (Cape Cod Bank); had foreclosed on the property and operated it for a period of almost two years; subsequently closing the property prior to our acquisition. Prior to our occupancy, we installed a fire suppression system throughout the entire building. The facility was licensed for a capacity of up to 41 residents; and to the best of our knowledge every unit in the building was licensed for occupancy and at one time or another was occupied by elderly clients. The total occupancy permit was corroborated by the septic system certification. The particular unit in question, known today as the penthouse and occupying the third floor above ground level; will be occupied by no more than two residents at a time. Under separate cover, we are providing to your office a floor plan with a maximum occupancy by unit for the entire facility.

I swear that the above statements are true and correct to the best of my knowledge.

Signed and sworn before a Notary Public on this 25th day of October, in the year 2005;
County of Barnstable, Commonwealth of Massachusetts.

SS: 
James S. Mamary, CEO
Royal Assisted Living, LLC

Notary Public: 
Peter L. LeBrun

My Commission expires:

Peter L. LeBrun
NOTARY PUBLIC
My commission expires April 5, 2007

Affiliate Members of the Royal Health Group

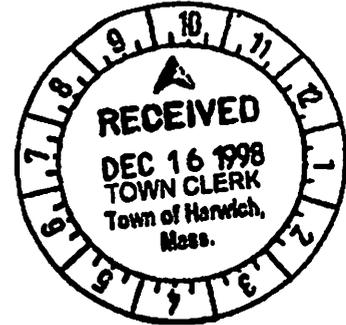
Cape Cod Nursing & Rehabilitation Center
8 Lewis Point Road
Buzzards Bay, MA 02532
Tel 508-759-5752
Fax 508-759-3628

Royal Megansett Nursing & Retirement Home
209 County Road
North Falmouth, MA 02556
Tel 508 563-5913
Fax 508 564-4163

Royal Nursing Center
545 Main Street
Falmouth, MA 02540
Tel 508 548-3800
Fax 508 548-6936

Taber Street Nursing & Rehabilitation Center
19 Taber Street
New Bedford, MA 02740
Tel 508 997-0791
Fax 508 991-6013

**TOWN OF HARWICH
BOARD OF APPEALS
DECISION**



PETITION NO.: 98-80

FILED WITH TOWN CLERK: 02-17-1999 @ 02:47

HEARING DATE: December 2, 1998

PETITIONER: Gregory Y. Winston
328 Bank Street
Harwich, MA 02645

OWNER: Gregory Y. Winston and David Plunkett
328 Bank Street
Harwich, MA 02645

PROPERTY: 113, 109 and 118 Parallel Street, Harwich, MA, shown as
Parcels N4, N3-A and D1-1 on Assessor's Map 41

The Petitioner requested a Special Permit under Section X, Paragraph J of the Zoning By-Law and Variances from Section V, Paragraph E, Table 1 (Use Regulations) and Section IX, Subsections A through C, including Table 4, (Off-Street Parking Regulations) of the Zoning By-Law to change, extend or alter pre-existing nonconforming structures, parking and uses at 113, 109 and 118 Parallel Street known as The Winstead Retirement and Elderly Day Care Center from a thirty (30) unit inn/retirement facility with a forty (40) seat dining room to an inn/hotel, restaurant and tavern use with 31 guest rooms, a forty (40) seat tavern on the first level and a one hundred (100) seat restaurant on the second level, with eighty-one (81) outdoor parking spaces and six (6) garage spaces. Twenty-six (26) outdoor parking spaces to the west of the present day care center building will not be constructed until the restaurant and tavern are in use. All parking is to be located on all three parcels. The request is herein referred to as the "Project".

Members of the Board present:

William J. Jussila, Chairman; John E. Ferreira; George Cavanaugh; Christopher Hemeon; and Donna Peterson.

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property deemed by the Board to be affected thereby and as required by statute,

5

and that public notice of such hearing has been given by publication in the Cape Cod Chronicle. The hearing was opened on December 2, 1998.

The following appeared in person or through correspondence in favor of the Petition:

Myer R. Singer, Attorney for the Petitioner; Gregory Y. Winston; and numerous people ho spoke in support of the Project. A petition signed by more than seventy (70) people was presented in support of the Project.

The following appeared in opposition or with questions regarding the Petition:

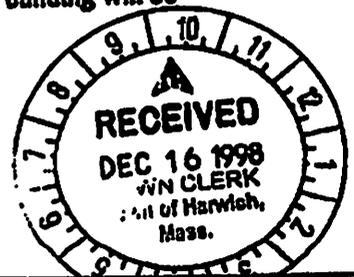
A lady appeared on behalf of a Mr. Nickerson with a question regarding the potential for late night noise as a result of the Project.

The Petitioner presented the following information and the Board finds the following as facts in support of its decision.

113 and 109 Parallel Street are located in the MR-L Zoning District. 118 Parallel Street is located in the C-V Zoning District. 109 Parallel Street is a nonconforming lot that is improved with one structure containing a nonconforming residential duplex. 113 Parallel Street is improved with two structures and is currently used as The Winstead Retirement and Day Care Center, which are nonconforming uses. 118 Parallel Street on the north side of the street, is improved with a retail sales building and is nonconforming as to its front yard setback.

The Petitioner desires to have a destination resort in Harwich Center by changing the use of the existing buildings located at 113 Parallel Street from a thirty (30) unit inn/retirement facility with a forty (40) seat dining room and day care center to an inn/restaurant and tavern use containing thirty-one (31) guest rooms, a forty (40) seat tavern on the first level and a one hundred (100) seat restaurant on the second level of the building. Parking with a total of 92 spaces for the Project will be located on all three parcels that comprize the Property. The Project includes remodeling the structures on 113 Parallel Street, revising the parking areas and access driveways on all three parcels and upgrading all three Parcels. The Project will be constructed in two (2) or more phases and the Petitioner seeks permission to not construct the 26 parking spaces to the west of the present day care center building until the restaurant and tavern are in use. The two (2) family house will remain at 109 Parallel Street and the antique shop will be an upscale Antique and Inn Shop with plumbing and bathroom.

The physical alteration to the exterior of the principal structure will not be substantially more detrimental to the neighborhood because the only exterior change will be the addition of an awning and entrance on Parallel Street. Moving the entrance from Bank Street which is more heavily traveled then Parallel Street is seen as positive rather than detrimental. The shop at 118 Parallel Street will be upgraded with a new roof and it and the daycare center building will be painted and rehabilitated to the extent needed.



The interior changes at the day care center building will be to remodel it into three guest units. The retirement center building will be a tavern on the first or lower level, a restaurant and guest units on the second or street level and guest units in the remainder of the building. The parking at 118 Parallel Streets is conforming and permitted in the commercial zone.

The parking at 113 Parallel Street is nonconforming but will remain substantially screened from view because it will be behind the buildings and at a lower grade than the road. Most of the parking at 109 Parallel Street will be new but will also be substantially screened from view. This parking will not be built until the restaurant and tavern use open.

The remodeled buildings will meet all applicable building and safety code requirements. In-lot and buffer vegetation and screening will be provided as shown on the plans. The Project will result in increased traffic. However, the site will be a destination resort and with the available amenities at and within walking distance of the Inn, the guest units at the Inn are not expected to have a significant traffic impact. With the restaurant, swimming pool and Inn shop, people will be encouraged to stay at the Inn. With additional antique and other stores in the area, as well as the Library, tennis courts, Brooks Academy, band concerts and White House Field with public activities, the Inn guests are more likely to stay and relax in a revitalized Harwich Center.

The tavern and restaurant will also result in traffic but less than most similar facilities. With the potential of package programs and ambiance of the Inn many Inn guests will also be the restaurant guests without increasing traffic. Also, the nature of the service is not expected to be attractive to persons seeking a quick, casual meal and therefore frequent short stops are not expected. The tavern tables will be set with white linen table cloths. It will be a place to come and relax in a quiet atmosphere rather than have an upbeat and contemporary atmosphere.

The change will have a positive effect on Harwich Center and not be detrimental.

Based on all of the above reasons, the Board determined that the change of uses and the building alterations will not be substantially more detrimental to the neighborhood than the existing, nonconforming uses. This will be particularly true because the Property will be physically improved — building, parking, lighting, septic and landscaping.

The Board of Appeals, after giving due consideration to the facts and information presented, is satisfied that the Special Permit requested can be granted in conformity with the Town of Harwich Zoning By-Law and the General Laws of the Commonwealth of Massachusetts.

Variances are needed for parking on 109 Parallel Street and to have fewer parking spaces than required. A literal enforcement of the provisions of the Zoning By-Law will deny the Applicant the opportunity to rehabilitate the Property and will result in a substantial hardship to the Applicant and the surrounding neighborhood.



The main building has been devoted to a particular use. Due to changes in the assisted living community on the Cape, continued operation of the Retirement and Day Care Center have become uneconomical.

113 Parallel Street was first an inn and dining establishment in 1913 as the New Winslow Hotel started by Sam Ellis. Thereafter it was owned by a Perry family and called the Harwich Inn. For a period in the 1940's and 1950's, when the Hall family owned the property, rooms were rented out to actors in play groups, summer league baseball players and employees of local restaurants. For a period in the late 1960's and 1970's the property was a dormitory for Snow Inn employees.

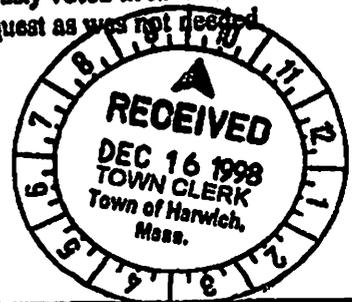
The Inn building, the Day Care Center and the land adjoining and across the street from them are all unique for the area, have a special setting in the area and have limited value for single family houses. Enforcement of the Zoning By-law requiring a single family use when it has been used for transient guests for 85 years would be a hardship on the owner.

The requested variances will not cause any substantial detriment to the public good nor substantially derogate from the overall intent of the Zoning By-Law because the property will be maintained for its historic use. Those buildings in need of remodeling will receive it, the "antique" shop will be made useful with new plumbing and bathroom facilities, an in Town resort with transportation to the beach will benefit the area, property values will be enhanced and the public protected from potential deterioration.

Based on the above reasons, the Board finds that the requested variances will neither cause any substantial detriment to the public good nor nullify or substantially derogate from the overall intent and purpose of the Zoning By-Law. The site changes will provide a benefit to the community and will help revitalize Harwich Center. The Town is in need of lodging and accommodations and a fine dining restaurant. The site upgrade will benefit all three parcels and the neighborhood. The Project as proposed will not adversely affect the public health, safety, convenience or general welfare of the Town. Parking will be safe and adequate. Landscaping will be attractive and well-maintained.

The Board of Appeals, after giving due consideration to the facts and information presented, is satisfied that the criteria for the issuance of the requested Variances under both the Town of Harwich Zoning By-Law and the General Laws of the Commonwealth of Massachusetts have been met by the Petitioner.

The Board members discussed whether a Variance was necessary in order to change the buildings. The Board determined that the requested Special Permit for the change of a nonconforming use and structures was adequate and that the requested Variance was not necessary. At the request of the Petitioner, it was moved and unanimously voted in favor of the request to withdraw without prejudice for so much of the Variance request as was not needed.



Christopher Hemeon moved to grant a Special Permit and Variances as applied for and presented at the hearing. After discussion, the Board voted to grant the Special Permit under Section X, Paragraph J of the Harwich Zoning By-Law to change, extend or alter the pre-existing nonconforming structures and pre-existing nonconforming uses and parking, and the Petitioner's request for Variances from Section V, Paragraph E, Table I (Use Regulations) and Section IX, subsections A through C, including Table 4 (Off Street Parking Regulations).

Members of the Board voting in favor:

William J. Jussila, Chairman; John E. Ferreira; George Cavanaugh; Christopher Hemeon; and Donna Peterson.

Members of the Board voting in opposition:

None.

Therefore, by a vote of five (5) in favor and zero (0) opposed, the Petitioner's request for a Special Permit under Section X, Paragraph J of the Harwich Zoning By-Law to change, extend or alter the pre-existing nonconforming structures and pre-existing nonconforming uses and parking, and the Petitioner's request for Variances from Section V, Paragraph E, Table I (Use Regulations) and Section IX, subsections A through C, including Table 4 (Off Street Parking Regulations) are granted.

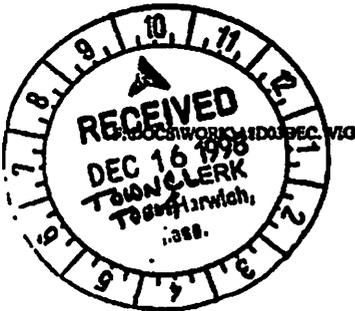
No permit shall issue until 20 days from the date of filing the decision with the Town Clerk.

William J. Jussila
William J. Jussila, Chairman *EL*

#98-80

CERTIFICATION OF TOWN CLERK:

I, Anita Doucette, Town Clerk, Town of Harwich, do hereby certify that 20 days have elapsed since the filing with me of the above Board of Appeals Decision No. 98-80 and that no notice of appeal of the decision has been filed with me, or if such appeals has been filed, it has been dismissed or denied.



To: BOS

To: Ms. M. Eldredge Health Director; Ms. C. Greenhalgh and Planning Board: Zoning Board; BOS (care of Ms. S. Delaney)

From: Alan C. Wirsul 2 Englewood Dr. Harwich Ma 908 239-1287

Subject: Royal Apartments, LLC Toxic Building materials in Structures Built prior to 1978-homes and Children occupied facilities. Federal Toxic Substances Control Act (TSCA) Section IV And Office of Chemical Safety and Pollution Prevention (OCSPP)

Dear Folks:

With regards to the Royal Oaks Apts. There is at least one structure on the property that dates back to the 1800's and where Toxic Building Materials were more than likely used (ie Lead and asbestos/Mesithelloma) and I would like to focus this writing to lead. Why? Local Governments do not focus on this subject until children are found with elevated harmful lead blood levels of lead and its too late. You wish an example, one need only look to Marthas Vineyard and the US Coast Guard Personnel who have young children found with harmful High levels of lead in government provided housing, reported only 2 weeks ago. What is even more interesting is that protocol testing was conducted and did not detect the levels of lead, most probably because the equipment used to measure could not detect the levels of lead most probably due to how the samples were taken or the equipment used to measure the appropriate restricted quantities. Please also find a short note on asbestos which I am sure you are aware of.

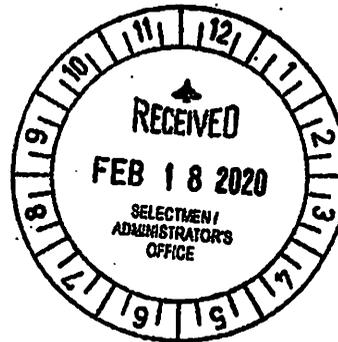
Please note that the Federal Office of Chemical Safety and Pollution Control (OCSPP) have taken important steps to further protect children from exposure to lead contaminate dust. The Royal Oaks Apts. certainly falls under these possible circumstances. And these regulations far supersede an MA. EPA Regulations.

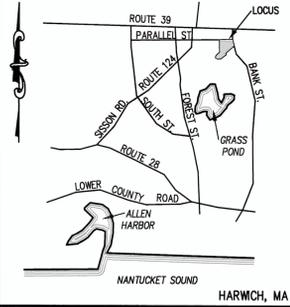
Why you might ask? Lead is a soft metal and a potent neurotoxin with no known safe exposure thresholds according to the US National Library of Medicine. Lead is particularly harmful to the development of children brains, but can also have a variety of deleterious effects on people of all ages. It is especially important to note that elevated harmful levels of lead can show up in children's blood after only 2 years of living conditions. The consumer Product Safety commission, in 1977, limited lead in most paints to be at 0.06% (600ppm) by dry weight. Since 2009, the allowable lead level was reduced to 0.009%. Now the OCSPP and Federal EPA have lowered dust-lead Hazard standards on floors to 40 micrograms of lead per square foot (UG/ft2) Who will the future occupants be in the Royal Oak Apts.?

These are facts which cannot be disputed. Should the Town of Harwich have an obligation to impose a lead inspection and a risk assessor to Royal Oaks for any variance granted? Should there be an obligation to have a plan in place to abate interior level of lead paint (LBP) Obviously, the office of OCSPP has taken these steps to be certain that a place like the Royal Oaks Apts. are suitable of young children habitation by families with young children. Federal Regulations go far beyond the meer chipping of paint and have placed much tighter standards for lead. For Example, and as demonstrated

above in the presentation, OCSPP is very concerned about lead dust and frequently finds it a common occurrence on floors, in window sills, and believe it or not soils surrounding aged structures.

In conclusion, might I suggest that the Town Harwich pay close attention to the OCSPP newly established standards for Royal Oaks LLC Apts. for lead and not to be neglected asbestos. It is well known that Asbestos, as long as it is encapsulated and not brought out to dust levels, it can be contained. However, again, any asbestos incorporated in structures prior to 1980, should assume that asbestos is present and handled properly with "interior reconstruction" in aged building like at least part of the Royal Oaks LLC Apts.





KEY MAP
NO SCALE

REFERENCES:

- ASSESSORS MAP 41, PARCEL N4
- DEED BOOK 32263, PAGE 179
- PLAN BOOK 389, PAGE 98
- ZONING CLASSIFICATION:
MULTI FAMILY RESIDENTIAL LOW DENSITY (MR-L)
- HARWICH CENTER OVERLAY DISTRICT
- HARWICH CENTER HISTORIC DISTRICT

DATUM NOTE:

ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 1988)

NOTES

- EXISTING SEWAGE DISPOSAL SYSTEM COMPONENTS SHOWN HEREON ARE FROM ON THE GROUND "AS-BUILT" LOCATION PERFORMED BY COASTAL ENGINEERING COMPANY, INC (DEC. 2003).

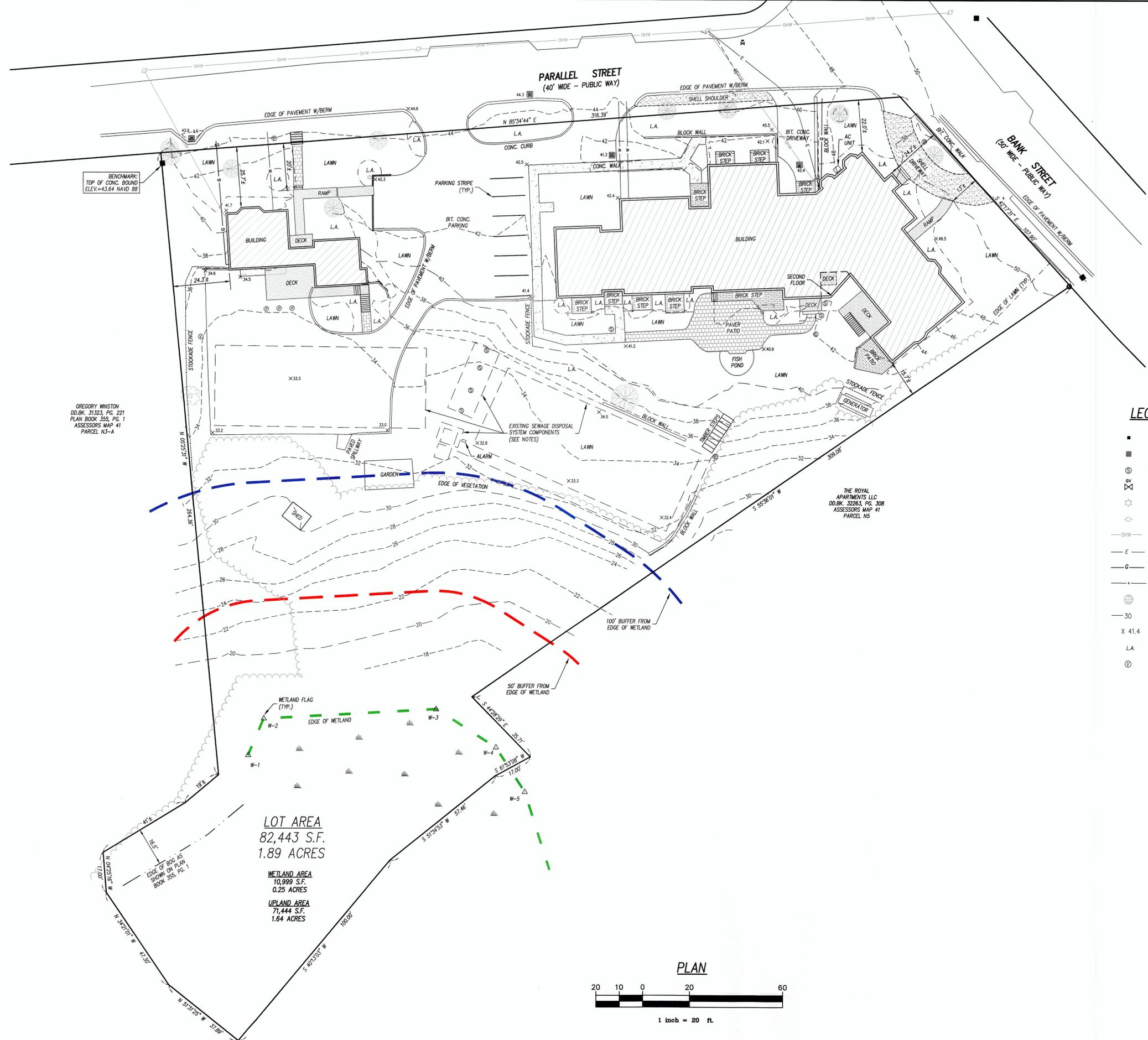
UTILITY NOTES:

- EXISTING UTILITIES, INCLUDING DRAINAGE FACILITIES, HAVE BEEN SHOWN WHENEVER POSSIBLE AND ARE SHOWN AS APPROXIMATE FROM EXISTING RECORDS. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF ANY WORK. ANY DAMAGE TO EXISTING UTILITIES SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND ANY EXPENSE BORNE BY THE CONTRACTOR.
- EXISTING UTILITIES, UNDERGROUND AND OVERHEAD, MAY EXIST IN ADDITION TO THE UTILITY INFORMATION SHOWN ON THESE PLANS.
- CONTRACTOR SHALL NOTIFY ALL UTILITIES PRIOR TO EXCAVATION.
- CONTRACTOR SHALL NOTIFY "DIG-SAFE" AT 1-800-344-7233 PRIOR TO ANY EXCAVATION. LOCATIONS OF WATER, SEWER, ELECTRIC AND GAS ARE APPROXIMATE AND FOR REFERENCE ONLY. CONTRACTOR SHALL INSPECT SITE AND FOLLOW ALL DIG-SAFE MARKINGS.

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 10-24-19.

DATE 10/09/2020

P.L.S. JOHN McELWEE No. 35602 PROFESSIONAL LAND SURVEYOR



LEGEND

- BOUND
- ▣ CATCH BASIN
- ⊙ SEWER MANHOLE
- ⊗ GAS VALVE
- ☆ LIGHTPOST
- UTILITY POLE
- OHW OVERHEAD UTILITY LINE
- E UNDERGROUND ELECTRIC LINE
- G GAS LINE
- F FENCE
- TREE
- 30 CONTOUR
- X 41.4 SPOT GRADE
- L.A. LANDSCAPED AREA
- ⊕ SEPTIC VENT

BENCHMARK:
TOP OF CONC. BOUND
ELEV.=43.64 NAVD 88

GREGORY WINSTON
D.O.B.K. 31323, PG. 221
PLAN BOOK 355, PG. 1
ASSESSORS MAP 41
PARCEL N3-A

THE ROYAL
APARTMENTS, LLC
D.O.B.K. 32263, PG. 308
ASSESSORS MAP 41
PARCEL N5

LOT AREA
82,443 S.F.
1.89 ACRES

WETLAND AREA
10,999 S.F.
0.25 ACRES

WETLAND AREA
71,444 S.F.
1.64 ACRES

PLAN



1 inch = 20 ft.

NO.	DATE	REVISION
2	10-9-2020	ADD SECTION OF SIDE WALK
1	1-6-2020	ADD SUPPLEMENTARY UTILITY LOCATIONS

SEAL

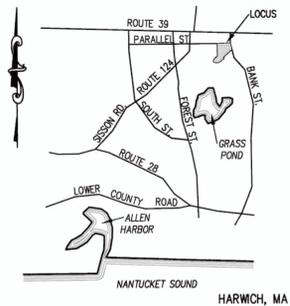
PROJECT: ROYAL APARTMENTS, LLC
325 BANK STREET
SHEET TITLE: PLAN SHOWING EXISTING SITE CONDITIONS

SCALE: AS NOTED
DRAWING FILE: C16014-V.dwg
DATE: 10-31-19
DRAWN BY: J.L.H.
CHECKED BY: J.D.M.

C1.11
1 OF 1 SHEETS
PROJECT NO. C16014.04

F:\ad\proj\16000\c16014\c16014-04-C16014-V.dwg, Oct 09, 2020 - 9:16am

Coastal Engineering Co., Inc. © 2020



KEY MAP
NO SCALE

REFERENCES:
 ASSESSORS MAP 41, PARCEL N4
 DEED BOOK 32263, PAGE 179
 PLAN BOOK 389, PAGE 98

OWNER:
 ROYAL APARTMENTS LLC
 8 ALTON PLACE
 BROOKLINE, MA 02446

APPLICANT:
 ROYAL APARTMENTS LLC
 8 ALTON PLACE
 BROOKLINE, MA 02446

DATUM NOTE:
 ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 1988)

- NOTES**
- EXISTING SEWAGE DISPOSAL SYSTEM COMPONENTS SHOWN HEREON ARE FROM ON THE GROUND "AS-BUILT" LOCATION PERFORMED BY COASTAL ENGINEERING COMPANY, INC (DEC. 2003).
 - THE EXISTING SEWAGE DISPOSAL SYSTEM HAS A PERMITTED DESIGN FLOW OF 4,773 GPD WHICH IS GREATER THAN THE PROPOSED DESIGN FLOW OF 3,300 GPD (30 BEDROOMS AT 110 GPD)
 - THE EXISTING SEWAGE DISPOSAL SYSTEM COMPONENTS BENEATH PARKING AREAS ARE DESIGNED FOR VEHICLE LOADS.

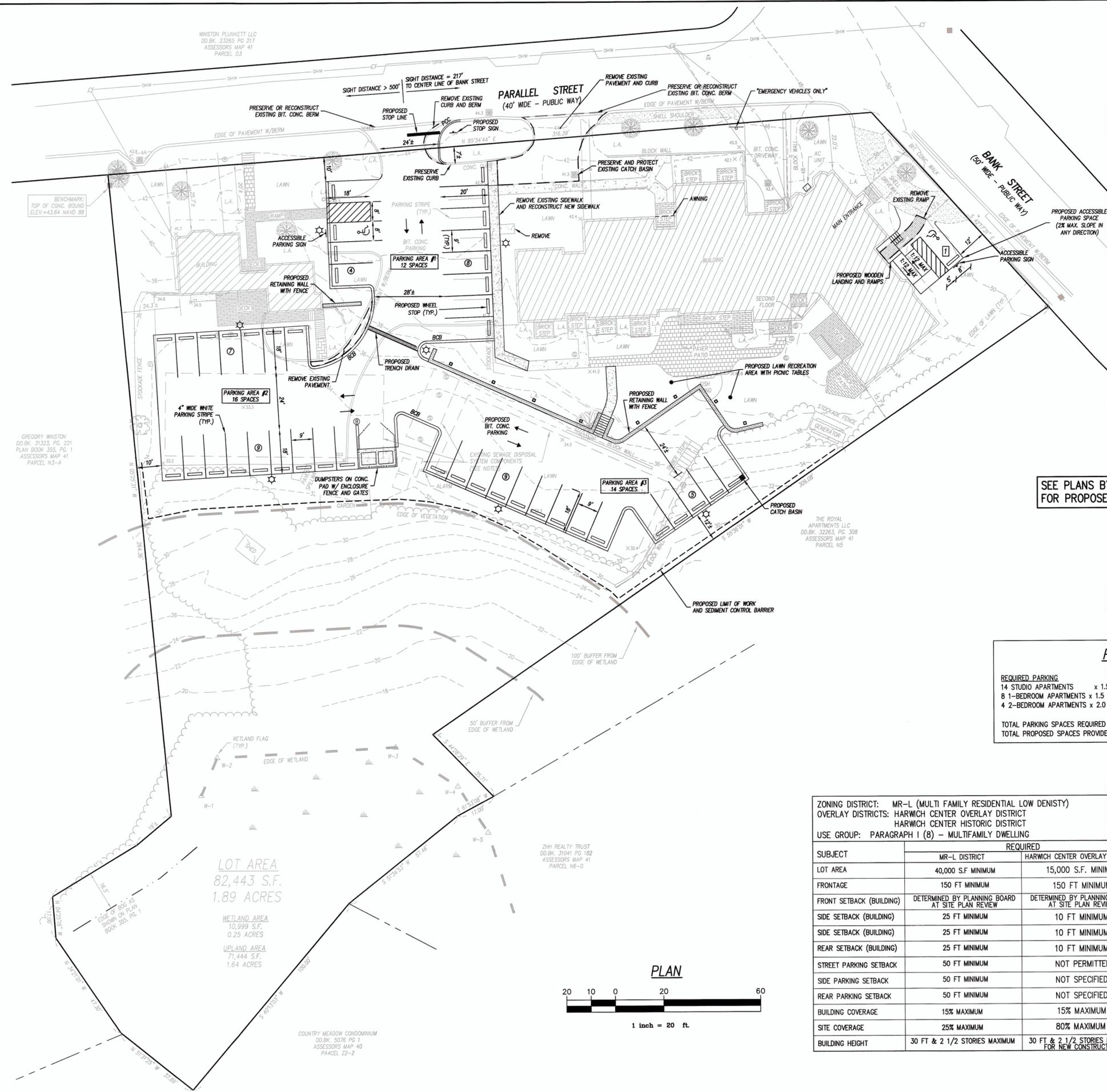
NO.	DATE	REVISION
1	1-6-2020	EDITS TO ADDRESS TOWN PLANNERS COMMENTS
2	10-9-2020	REVISIONS FOR NEW ZONING BYLAW REGULATIONS
3	10-21-2020	CHANGE APARTMENT UNIT MIX AND REVISE PARKING TABLE



ROYAL APARTMENTS, LLC
 328 BANK STREET
 HARWICH, MA
PLAN SHOWING PROPOSED SITE LAYOUT AND MATERIALS

PROJECT	AS NOTED
DRAWING FILE	C16014.04-C.dwg
DATE	12-5-2019
DRAWN BY	CEM
CHECKED BY	DJM
PROJECT NO.	C16014.04

C2.11
 OF SHEETS



SEE PLANS BY D.H. DUNLAP ASSOCIATES, INC. FOR PROPOSED LIGHTING AND LANDSCAPING

PARKING TABLE

REQUIRED PARKING:
 14 STUDIO APARTMENTS x 1.5 SPACES/UNIT = 21 SPACES
 8 1-BEDROOM APARTMENTS x 1.5 SPACES/UNIT = 12 SPACES
 4 2-BEDROOM APARTMENTS x 2.0 SPACES/UNIT = 8 SPACES

TOTAL PARKING SPACES REQUIRED = 41 SPACES
 TOTAL PROPOSED SPACES PROVIDED = 43 SPACES (INCLUDING 2 ACCESSIBLE SPACES)

LEGEND

EXISTING

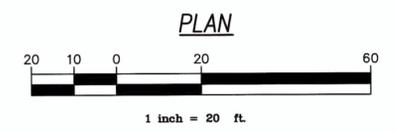
- BOUND
- CATCH BASIN
- SEWER MANHOLE
- GAS VALVE
- LIGHTPOST
- UTILITY POLE
- OVERHEAD UTILITY LINE
- FENCE
- TREE
- CONTOUR
- SPOT GRADE
- LANDSCAPED AREA

PROPOSED

- CONTOUR
- SPOT GRADE
- CATCH BASIN
- AREA DRAIN
- BITUMINOUS CONCRETE BERM
- PRECAST CONCRETE CURB
- VEHICLE TRAVEL DIRECTION (NOT PAINTED)
- BOLLARD
- TRAFFIC SIGN
- LIGHT POLE

ZONING DISTRICT: MR-L (MULTI FAMILY RESIDENTIAL LOW DENSITY)
 OVERLAY DISTRICTS: HARWICH CENTER OVERLAY DISTRICT
 HARWICH CENTER HISTORIC DISTRICT
 USE GROUP: PARAGRAPH I (8) - MULTIFAMILY DWELLING

SUBJECT	REQUIRED		EXISTING	PROPOSED
	MR-L DISTRICT	HARWICH CENTER OVERLAY DISTRICT		
LOT AREA	40,000 S.F. MINIMUM	15,000 S.F. MINIMUM	82,443 S.F.	NO CHANGE
FRONTAGE	150 FT MINIMUM	150 FT MINIMUM	424.3 FT	NO CHANGE
FRONT SETBACK (BUILDING)	DETERMINED BY PLANNING BOARD AT SITE PLAN REVIEW	DETERMINED BY PLANNING BOARD AT SITE PLAN REVIEW	22.0 FT	NO CHANGE
SIDE SETBACK (BUILDING)	25 FT MINIMUM	10 FT MINIMUM	15.7 FT (EAST)	NO CHANGE
SIDE SETBACK (BUILDING)	25 FT MINIMUM	10 FT MINIMUM	24.3 FT (WEST)	NO CHANGE
REAR SETBACK (BUILDING)	25 FT MINIMUM	10 FT MINIMUM	>250 FT	NO CHANGE
STREET PARKING SETBACK	50 FT MINIMUM	NOT PERMITTED	7.0 FT	NO CHANGE
SIDE PARKING SETBACK	50 FT MINIMUM	NOT SPECIFIED	10.0 FT	NO CHANGE
REAR PARKING SETBACK	50 FT MINIMUM	NOT SPECIFIED	182.0± FT	175.0± FT
BUILDING COVERAGE	15% MAXIMUM	15% MAXIMUM	10.7% (8,834 S.F.)	NO CHANGE
SITE COVERAGE	25% MAXIMUM	80% MAXIMUM	25.8% (21,318 S.F.)	48.0% (39,536± S.F.)
BUILDING HEIGHT	30 FT & 2 1/2 STORIES MAXIMUM	30 FT & 2 1/2 STORIES MAXIMUM FOR NEW CONSTRUCTION	EXISTING	NO CHANGE



LOT AREA
82,443 S.F.
1.89 ACRES

WETLAND AREA
10,999 S.F.
0.25 ACRES

UPLAND AREA
71,444 S.F.
1.64 ACRES

C:\SERS\PROJ\160014\04\16014.04-C.dwg, Oct 21, 2020, 10:58am
 GREGORY WINSTON, DD.BK. 31323, PG. 221, PLAN BOOK 355, PG. 1, ASSESSORS MAP 41, PARCEL N3-A
 WINSTON PLUNKETT LLC, DD.BK. 23265, PG. 217, ASSESSORS MAP 41, PARCEL D3
 THE ROYAL APARTMENTS LLC, DD.BK. 32263, PG. 308, ASSESSORS MAP 41, PARCEL N5
 ZHH REALTY TRUST, DD.BK. 31041, PG. 182, ASSESSORS MAP 41, PARCEL N6-0
 COUNTRY MEADOW CONDOMINIUM, DD.BK. 5078, PG. 1, ASSESSORS MAP 40, PARCEL Z2-2

DRAINAGE TEST HOLE LOGS

NO SCALE
 DATE OF TESTS : DECEMBER 2, 2019
 WITNESSED BY : JOHN SCHNAIBLE, CEC

DRAINAGE TEST HOLE 1 EL. = 41.2±

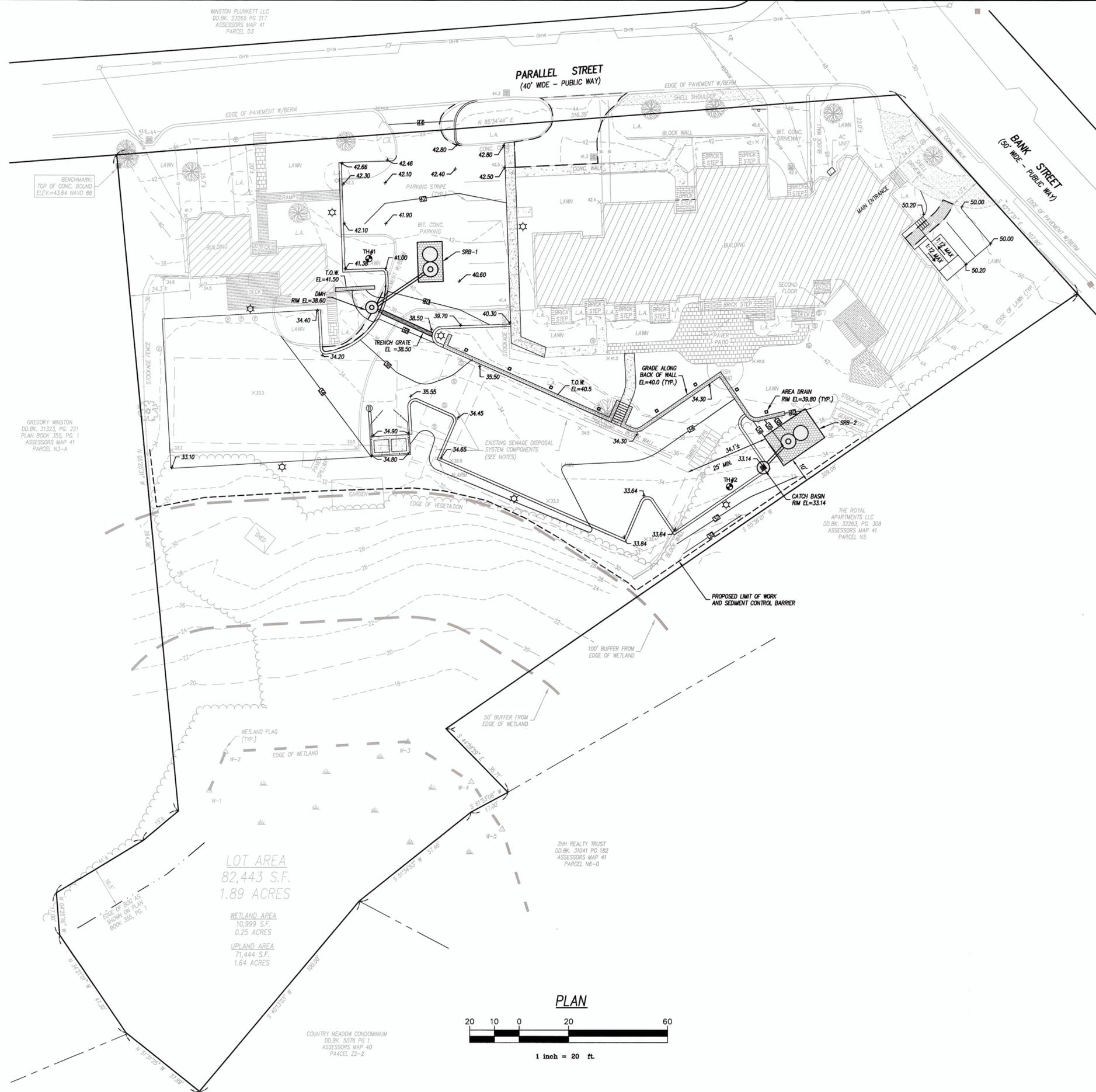
DEPTH FROM SURFACE	SOIL HORIZON	SOIL TEXTURE
0" - 13"	A	TOPSOIL
13" - 33"	B	SUBSOIL
33" - 132"	C	MED TO COARSE SAND (LOOSE)

NO GROUNDWATER ENCOUNTERED

DRAINAGE TEST HOLE 2 EL. = 32.6±

DEPTH FROM SURFACE	SOIL HORIZON	SOIL TEXTURE
0" - 18"	A	TOPSOIL
18" - 36"	B	SUBSOIL
36" - 120"	C	MED TO COARSE SAND (LOOSE)

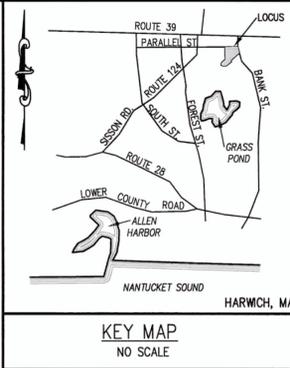
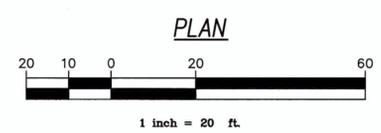
NO GROUNDWATER ENCOUNTERED



LOT AREA
 82,443 S.F.
 1.89 ACRES

WETLAND AREA
 10,999 S.F.
 0.25 ACRES

UPLAND AREA
 71,444 S.F.
 1.64 ACRES



REFERENCES:
 ASSESSORS MAP 41, PARCEL N4
 DEED BOOK 32263, PAGE 179
 PLAN BOOK 389, PAGE 98

OWNER:
 ROYAL APARTMENTS LLC
 8 ALTON PLACE
 BROOKLINE, MA 02446

APPLICANT:
 ROYAL APARTMENTS LLC
 8 ALTON PLACE
 BROOKLINE, MA 02446

DATUM NOTE:
 ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 1988)

- NOTES**
- EXISTING SEWAGE DISPOSAL SYSTEM COMPONENTS SHOWN HEREON ARE FROM ON THE GROUND "AS-BUILT" LOCATION PERFORMED BY COASTAL ENGINEERING COMPANY, INC (DEC. 2003).
 - THE EXISTING SEWAGE DISPOSAL SYSTEM HAS A PERMITTED DESIGN FLOW OF 4,773 GPD WHICH IS GREATER THAN THE PROPOSED DESIGN FLOW OF 4,730 GPD (43 BEDROOMS AT 110 GPD)



- LEGEND**
- EXISTING**
- BOUND
 - CATCH BASIN
 - ⊙ SEWER MANHOLE
 - ⊗ GAS VALVE
 - ☆ LIGHT POLE
 - UTILITY POLE
 - OHW — OVERHEAD UTILITY LINE
 - FENCE
 - TREE
 - 30 --- CONTOUR
 - X 41.4 SPOT GRADE
 - L.A. LANDSCAPED AREA
- PROPOSED**
- 30 — CONTOUR
 - 35.00 SPOT GRADE
 - CATCH BASIN
 - AREA DRAIN
 - TH#1 DRAINAGE TEST HOLE
 - SRB STORMWATER RECHARGE BASIN
 - ⊙ BOLLARD
 - ☆ LIGHT POLE

COASTAL engineering co.
 260 Cranberry Hwy, Orleans, MA 02653
 508-255-6511 P 508-255-6700 F

	CEM
	CEM
	BY
	NO CHANGES TO THIS SHEET
	REVISION
	DATE
	NO.
	NO.
	NO.
	NO.

ROYAL APARTMENTS, LLC
 328 BANK STREET
 HARWICH, MA

PLAN SHOWING PROPOSED GRADING AND DRAINAGE

SHEET TITLE

PROJECT NO. C16014.04

SCALE AS NOTED

DRAWING FILE C16014.04-C.dwg

DATE 12-5-2019

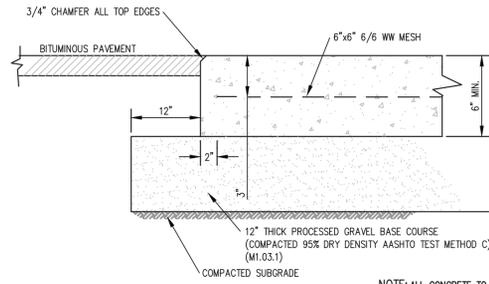
DRAWN BY CEM

CHECKED BY DJM

C2.2.1

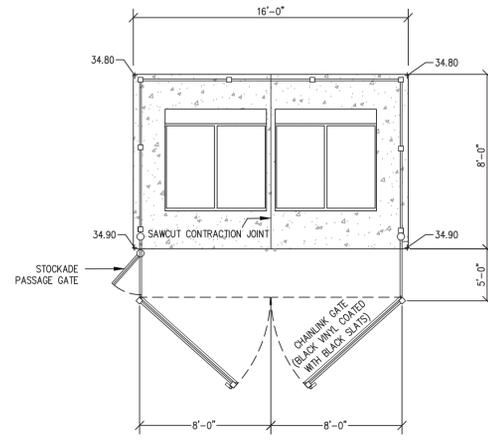
OF SHEETS

F:\SDSK\PROJ\1600\C16014\C16014.04-C.dwg Oct 19, 2020, 12:59pm

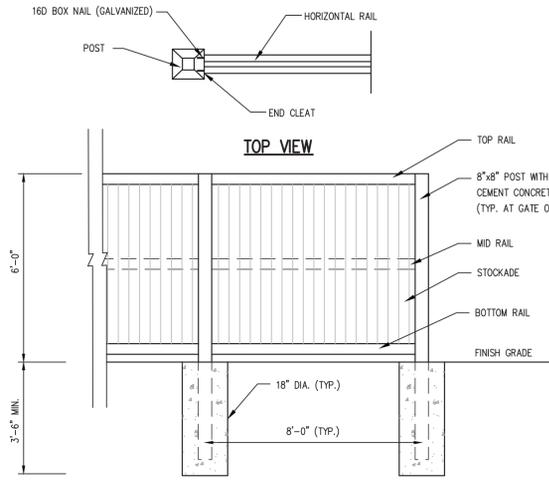


NOTE: ALL CONCRETE TO BE 4,000psi WITH MAXIMUM WATER CEMENT RATIO OF 0.45 AND AIR ENTRAINMENT.

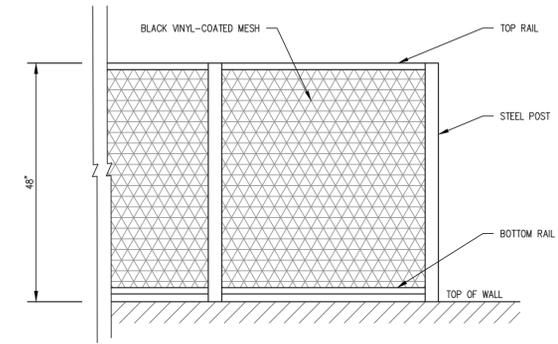
DUMPSTER PAD
NOT TO SCALE



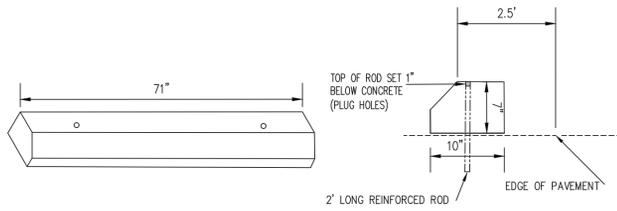
PLAN VIEW
DUMPSTER PAD AND ENCLOSURE DETAIL
NOT TO SCALE



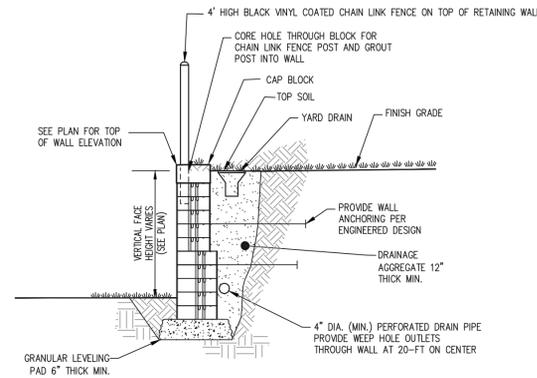
ELEVATION
6' HIGH FENCE DETAIL
NOT TO SCALE



CHAIN LINK FENCE DETAIL
NOT TO SCALE
(TO BE INSTALLED ON TOP OF NEW RETAINING WALLS)

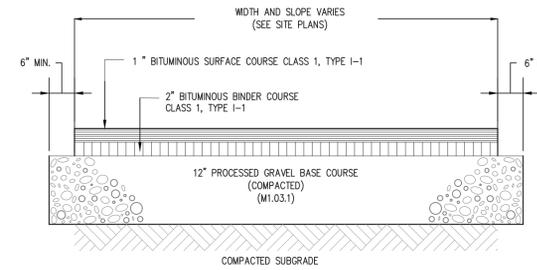


CONCRETE WHEEL STOP DETAIL
NOT TO SCALE

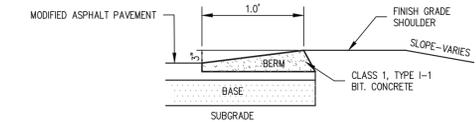


MODULAR CONCRETE BLOCK RETAINING WALL DETAIL
NOT TO SCALE

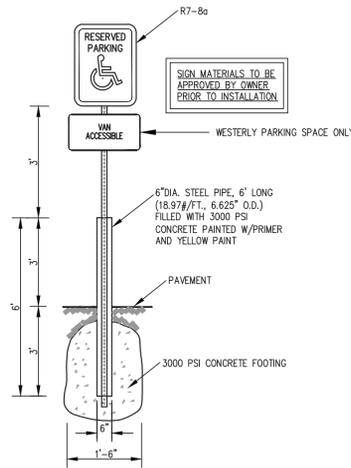
- NOTE:
1. WALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH BLOCK MANUFACTURER'S GUIDELINES.
 2. CONTRACTOR IS RESPONSIBLE FOR WALL DESIGNED AND PERMIT.
 3. CONTRACTOR SHALL PROVIDE STAMPED ENGINEERING CALCULATIONS AND PLANS PRIOR TO START OF CONSTRUCTION.



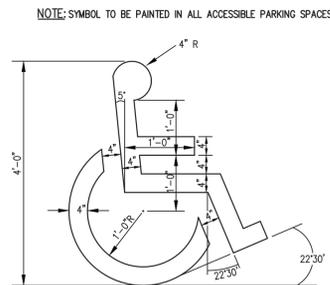
BITUMINOUS CONCRETE PAVEMENT
NOT TO SCALE



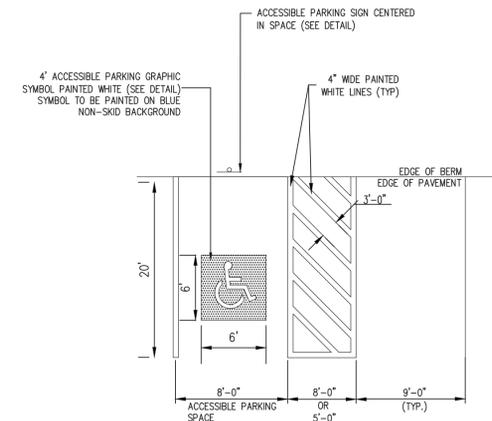
BITUMINOUS CONCRETE BERM
NOT TO SCALE



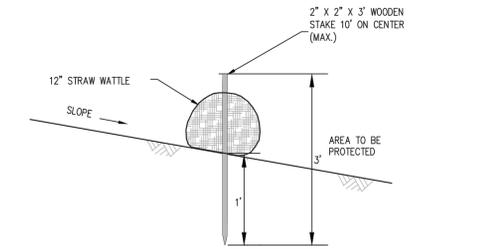
ACCESSIBLE PARKING SIGN
NOT TO SCALE



PAINTED ACCESSIBLE PARKING SYMBOL
NOT TO SCALE



ACCESSIBLE PARKING SPACE STRIPING
NOT TO SCALE

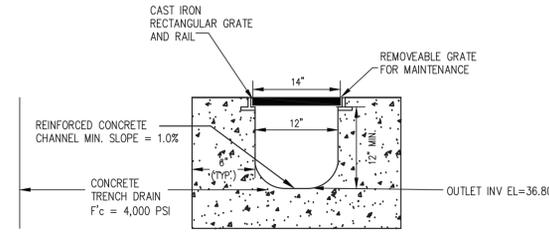


EROSION CONTROL SEDIMENT BARRIER DETAIL
NOT TO SCALE

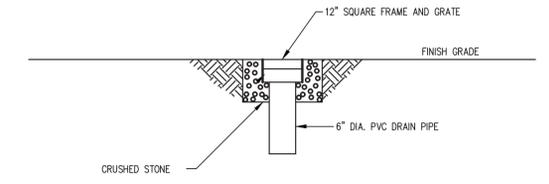
NO.	DATE	BY	REVISION
2	10-9-2020	CEM	FENCE AND DUMPSTER DETAILS UPDATED
1	1-6-2020	CEM	ADDED BITUMINOUS CONCRETE BERM DETAIL



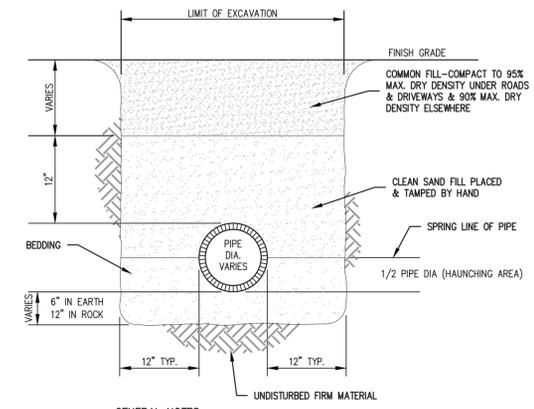
F:\SIBK\PROJ\C16014\C16014.04-C.dwg 03/10/2020 1:23pm



TRENCH DRAIN DETAIL
(NOT TO SCALE)

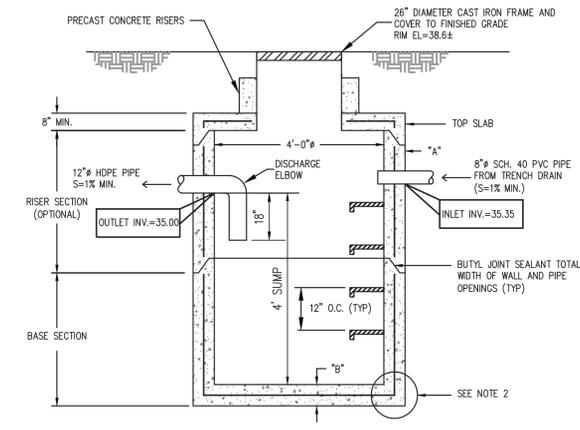


YARD DRAIN DETAIL
(NOT TO SCALE)



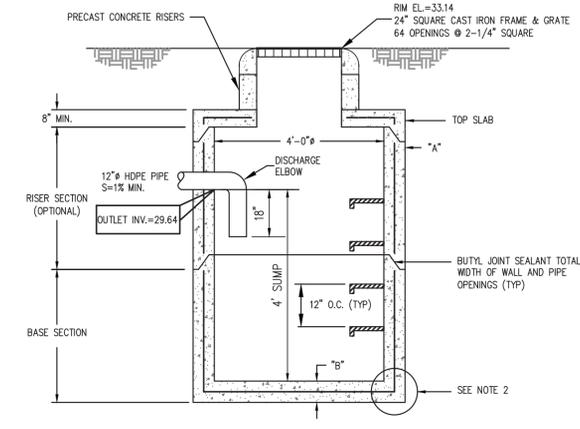
GENERAL NOTES:
1. FINISH GRADE MATERIAL VARIES (SEE SITE PLAN)
2. COMPACT SOIL IN HAUNCHING ZONE TO 85% MAX DRY DENSITY.

UTILITY TRENCH
(NOT TO SCALE)



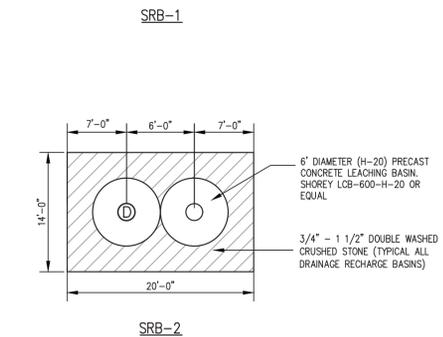
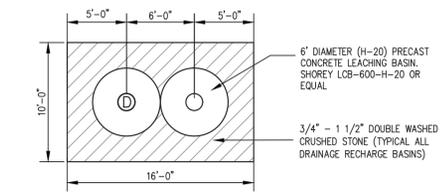
PRECAST CONCRETE DRAINAGE MANHOLE
(NOT TO SCALE)

GENERAL NOTES:
1. ALL REINFORCING STEEL MUST CONFORM TO THE LATEST ASTM A185 AND/OR A615 GRADE 60. SEE TABLE 1 FOR STEEL REINFORCEMENT REQUIREMENT.
2. STEEL REINFORCEMENT FOR BASE SECTION BOTTOM SHALL BE A MIN. OF 0.12 SQ. IN./LINEAL FT. (BOTH WAYS).
3. CATCH BASIN SPECS. CONFORM TO THE LATEST ASTM C478 SPEC. FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS".
4. MORTAR SHALL CONFORM TO SECTION M4.02.15 OF THE MASSACHUSETTS D.P.W. STANDARD SPECS. FOR HIGHWAYS AND BRIDGES.
5. STEPS SHALL BE M.A. INDUSTRIES TYPE, STEEL REINFORCED COPOLYMER POLYPROPYLENE PLASTIC.
6. ONE POUR MONOLITHIC BASE SECTION.
7. ANY NECESSARY ADJUSTMENTS DURING CONSTRUCTION WILL BE DONE BY SAW-CUTTING AND/OR CORING ONLY. NO JACKHAMMERS, HAMMERS, CHISELS OR PNEUMATIC TOOLS WILL BE ALLOWED.
8. RED CLAY BRICK SHALL CONFORM WITH SECTION M4.05.2 CLAY BRICK OF MASSACHUSETTS D.P.W. STANDARD SPECS. FOR HIGHWAY AND BRIDGES.



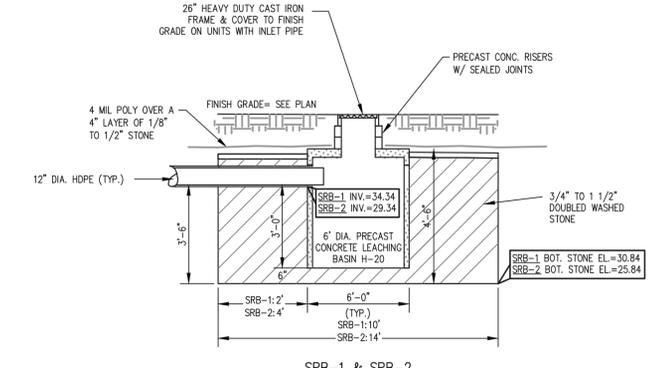
PRECAST CONCRETE CATCH BASIN
(NOT TO SCALE)

GENERAL NOTES:
1. ALL REINFORCING STEEL MUST CONFORM TO THE LATEST ASTM A185 AND/OR A615 GRADE 60. SEE TABLE 1 FOR STEEL REINFORCEMENT REQUIREMENT.
2. STEEL REINFORCEMENT FOR BASE SECTION BOTTOM SHALL BE A MIN. OF 0.12 SQ. IN./LINEAL FT. (BOTH WAYS).
3. CATCH BASIN SPECS. CONFORM TO THE LATEST ASTM C478 SPEC. FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS".
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7. ANY NECESSARY ADJUSTMENTS DURING CONSTRUCTION WILL BE DONE BY SAW-CUTTING AND/OR CORING ONLY. NO JACKHAMMERS, HAMMERS, CHISELS OR PNEUMATIC TOOLS WILL BE ALLOWED.
8. RED CLAY BRICK SHALL CONFORM WITH SECTION M4.05.2 CLAY BRICK OF MASSACHUSETTS D.P.W. STANDARD SPECS. FOR HIGHWAY AND BRIDGES.



NOTES:
1. FILTER FABRIC & TURF REINFORCEMENT SHALL BE INSTALLED IN STRICT CONFORMANCE WITH MANUFACTURERS SPECIFICATIONS.
2. THE INSTALLER SHALL ASCERTAIN THE LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO EXCAVATION, AND SHALL PROTECT UTILITIES WITHIN THE WORK AREA DURING CONSTRUCTION.
3. LEACHING RECHARGE BASINS SHALL REMAIN OFFLINE UNTIL THE SITE AND ALL VEGETATION HAS BEEN STABILIZED.

DETAILS OF STORMWATER RECHARGE BASINS
(NOT TO SCALE)



NOTES:
1. ** DRAINAGE RECHARGE STRUCTURES TO BE PLACED IN CLEAN COARSE SAND. CONTRACTOR TO PERFORM A SOIL TEST AND NOTIFY ENGINEER FOR ON SITE INSPECTION OF SOILS PRIOR TO INSTALLATION OF ANY DRAINAGE SYSTEM COMPONENTS. STRUCTURE MAY BE PLACED ABOVE COARSE SAND LAYER PROVIDED CONTRACTOR PERFORMS A 5' SOIL REMOVAL AROUND BASIN DOWN TO THE COARSE SAND HORIZON. REMOVAL TO BE FILLED IN ACCORDANCE WITH NOTE #2 TO TOP OF STRUCTURE. (CONTRACTOR SHALL INCLUDE A UNIT COST FOR REMOVAL AND REPLACEMENT IN THE BID PRICE).
2. FILL MATERIAL FOR SYSTEMS CONSTRUCTED IN FILL SHALL BE CLEAN GRANULAR SAND, FREE OF ORGANIC MATTER AND OTHER DELETERIOUS MATERIALS. THE SAND SHALL BE GRADED SUCH THAT NOT MORE THAN 45% OF THE SAMPLE, BY WEIGHT, SHALL BE RETAINED ON THE #4 SIEVE. THE FILL SHALL NOT CONTAIN ANY MATERIAL LARGER THAN 2 INCHES. THE MATERIAL THAT PASSES THE #4 SIEVE SHALL MEET THE FOLLOWING GRADATION REQUIREMENTS:

SEIVE SIZE	PERCENT PASSING
# 4	100%
# 50	10%-100%
# 100	0%-20%
# 200	0%-5%

TYPICAL END VIEW OF STORMWATER RECHARGE BASIN
(NOT TO SCALE)

NO.	DATE	BY
2	10-9-2020	CEM
1	1-6-2020	CEM

MINOR REVISIONS
NO CHANGES TO THIS SHEET



ROYAL APARTMENTS, LLC
328 BANK STREET
HARWICH, MA

UTILITY DETAILS

PROJECT NO. C16014.04

SCALE: AS NOTED

DRAWING FILE: C16014.04-C.dwg

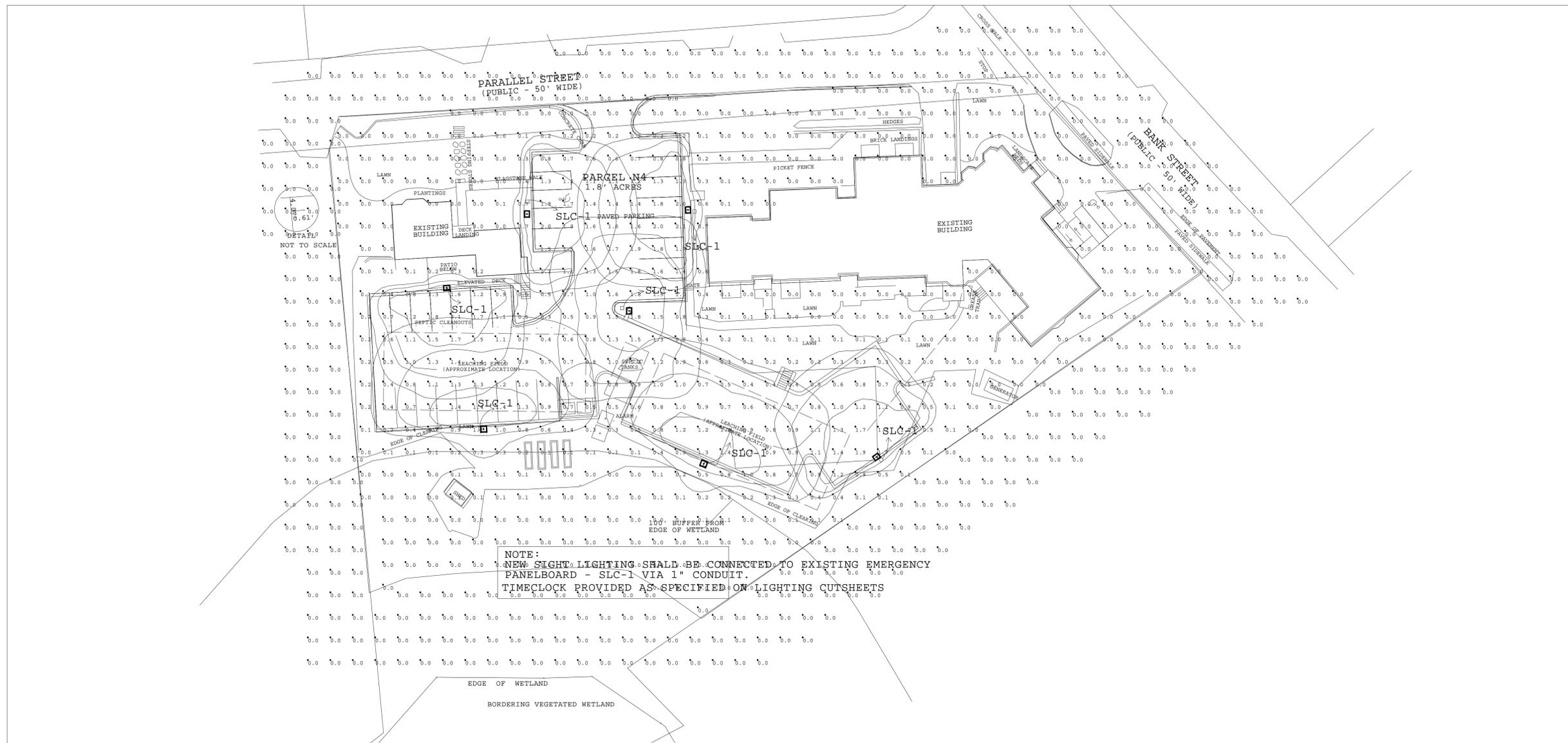
DATE: 12-5-19

DRAWN BY: CEM

CHECKED BY: DJM

C2.4.2
OF SHEETS

PROJECT NO. C16014.04



Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
□	4	SL4 BC	SINGLE	N.A.	0.700	Beacon VP-S-24L-55-3K7-4-BC-UNV BL SWP SSA B 16 40 B VM2S16
□	2	SL4	SINGLE	N.A.	0.700	Beacon VP-S-24L-55-3K7-4W-UNV BL SWP SSA B 16 40 B VM2S16
□	1	SL5	SINGLE	N.A.	0.700	Beacon VP-S-24L-55-3K7-5R-UNV BL SWP SSA B 16 40 B VM2S16

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Site_Planar	Illuminance	Fc	0.39	2.1	0.0	N.A.	N.A.
Spill	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.
Driveways and Parking	Illuminance	Fc	1.09	2.1	0.0	N.A.	N.A.



David H. Dunlap

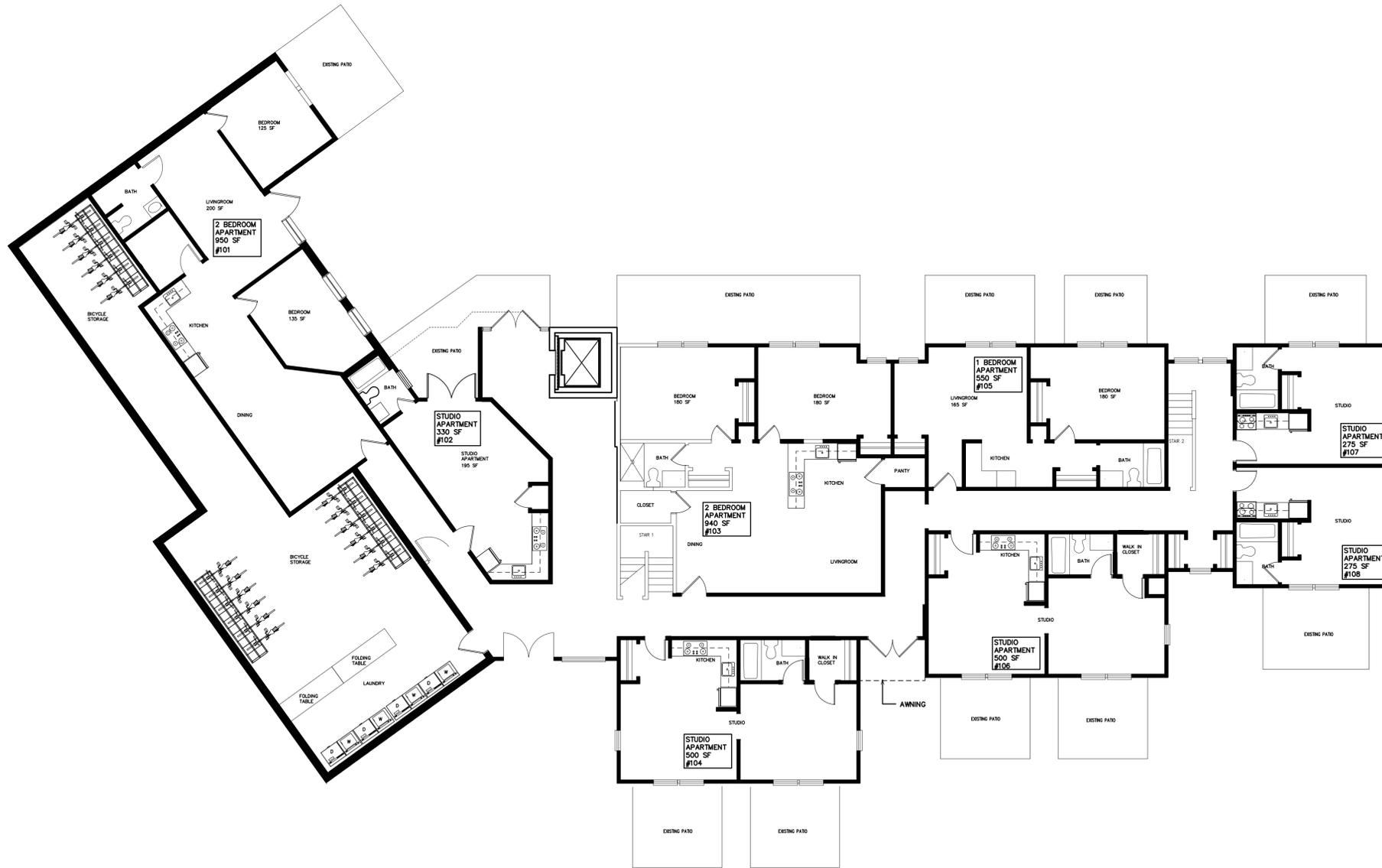
David H. Dunlap Associates Inc.
 ARCHITECTS * ENGINEERS * PLANNERS
 105 WEBSTER STREET UNIT 2
 HANOVER, MASSACHUSETTS 02339
 PHONE: (781) 878-0066 FAX: (781) 878-7060
 email: David@DHDunlap.com



Parking Lot Lighting and Photometric Plan
 Royal Apartments
 HARWICH, MA

SCALE: 1" = 20'
 DATE: 10/13/20 DR. BY: MCN

SP-2



GROUND FLOOR PLAN
1/8"=1'-0"

APARTMENT MIX CHART				
LOCATION	STUDIO	1 BD RM	2 BD RM	TOTAL
GROUND FLOOR	5	1	2	8
FIRST FLOOR	4	4	1	9
SECOND FLOOR	3	1	0	4
THIRD FLOOR	0	0	1	1
ACCESSORY	2	2	0	4
TOTAL	14	8	4	26

NOTE: ALL HABITABLE ROOMS HAVE NO LESS THAN 120 SQUARE FEET FLOOR AREA AND NO MAJOR DIMENSION OF LESS THAN 10 FEET IN COMPLIANCE WITH THE HARWICH ZONING BYLAW SECTION 325-51(Q)(4).

David H. Dunlap Associates Inc.
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HANOVER, MASSACHUSETTS 02339
PHONE: (781) 878-0066 FAX: (781) 878-7060
email: David@DHDunlap.com

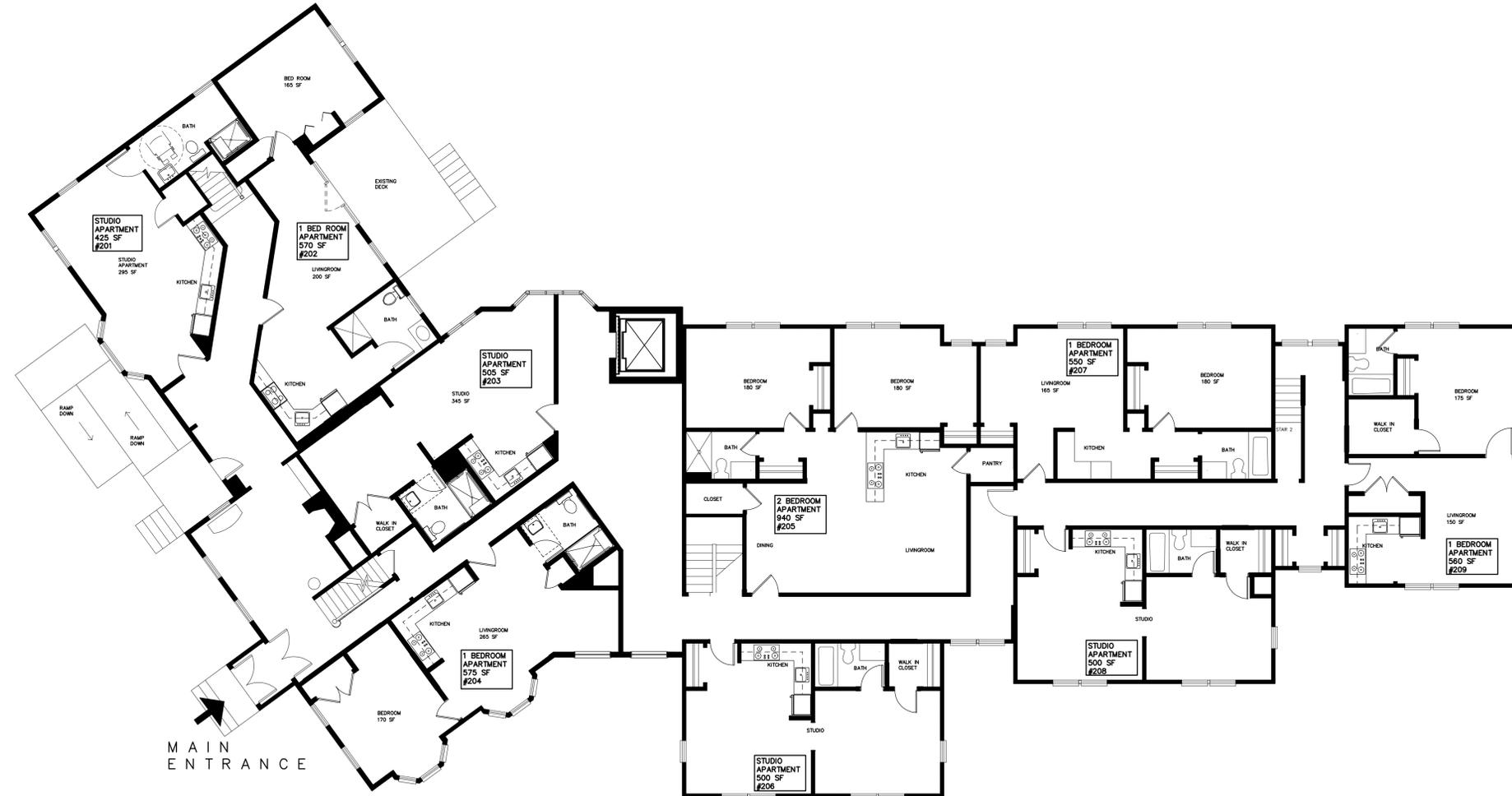
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GROUND FLOOR PLAN

Royal Apartments

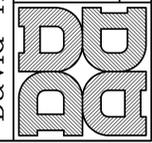
HARWICH MA

SCALE: 1/8" = 1'-0" DR. BY: MCN
DATE: 10/19/20



FIRST FLOOR PLAN
1/8"=1'-0"

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PHONE: (781) 878-0066 FAX: (781) 878-7060
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FIRST FLOOR PLAN

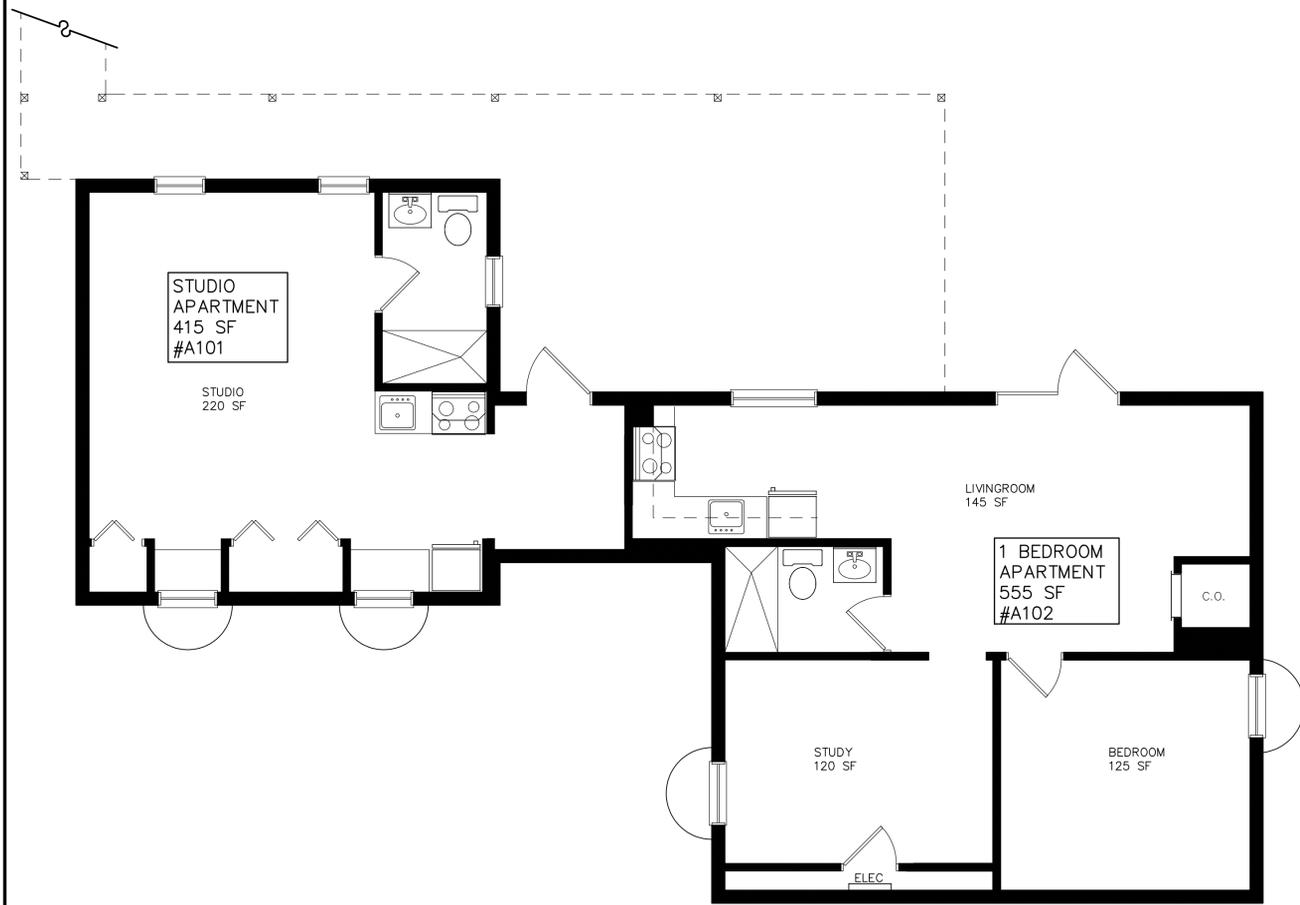
Royal Apartments

HARWICH MA

SCALE: 1/8" = 1'-0" DR. BY: MCN
DATE: 10/19/20

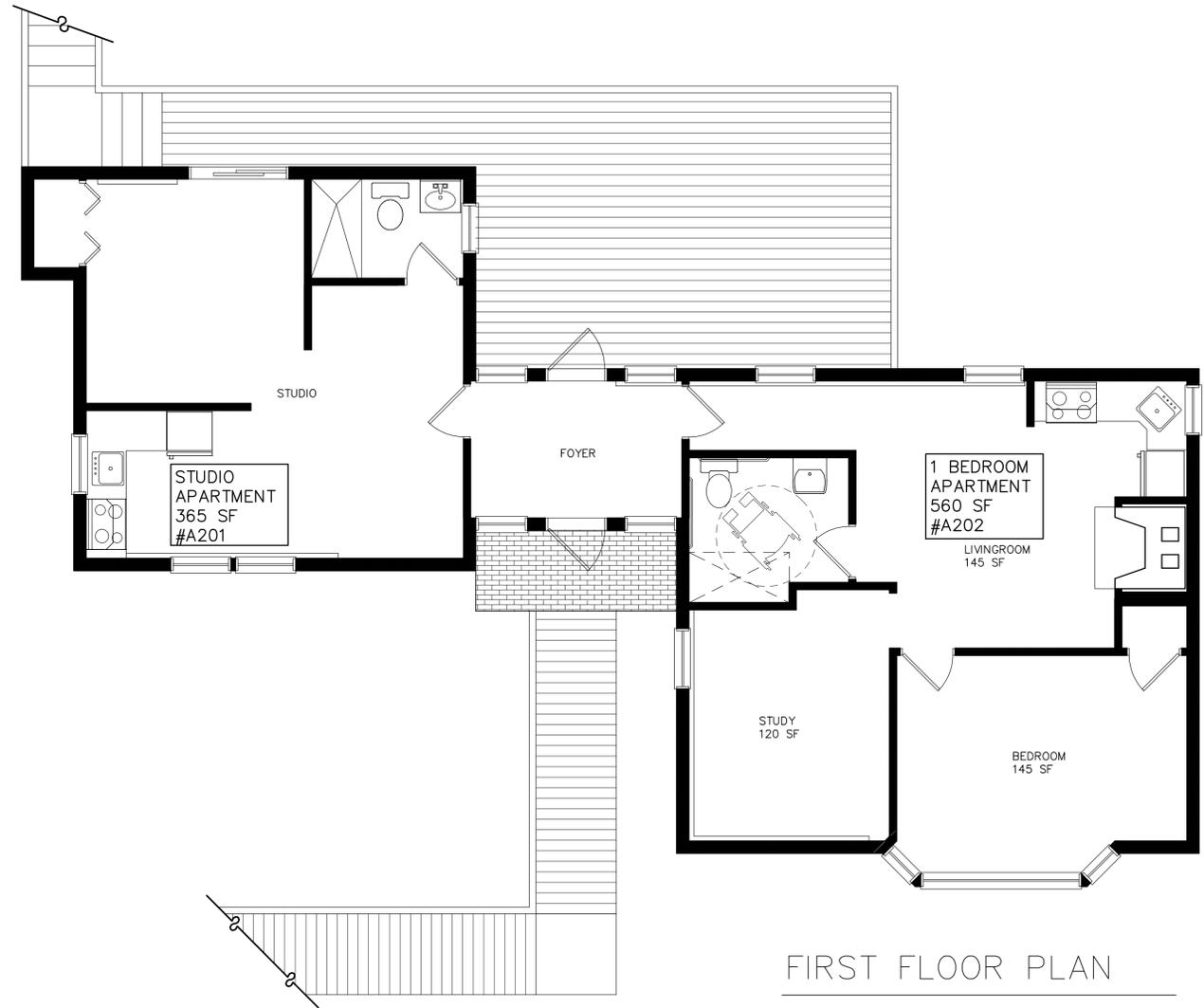
A-2

NOTE: ALL HABITABLE ROOMS HAVE NO LESS THAN 120 SQUARE FEET FLOOR AREA AND NO MAJOR DIMENSION OF LESS THAN 10 FEET IN COMPLIANCE WITH THE HARWICH ZONING BYLAW SECTION 325-5I(Q)(4).



GROUND FLOOR PLAN

SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

NOTE: ALL HABITABLE ROOMS HAVE NO LESS THAN 120 SQUARE FEET FLOOR AREA AND NO MAJOR DIMENSION OF LESS THAN 10 FEET IN COMPLIANCE WITH THE HARWICH ZONING BYLAW SECTION 325-51(Q)(4).

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ACCESSORY BUILDING
 FLOOR PLAN

Royal Apartments

HARWICH, MA

SCALE: 1/8" = 1'-0" DR. BY: MCN
 DATE: 10/19/20

A - JT

A Stormwater Report was also filed with this application, but not included in this on-line packet due to the size and length of the document.

Please contact the Harwich Planning Office, 508-42-7511 or ebanta@town.harwich.ma.us to request a copy of the PB2020-26 Royal Apartments Stormwater Report.

Charleen Greenhalgh

From: Benjamin E. Zehnder <BZehnder@latanzi.com>
Sent: Tuesday, November 17, 2020 3:50 PM
To: Charleen Greenhalgh
Cc: David S. Reid; Alex Bardin
Subject: RE: Royal Apartments - PB2020-26
Attachments: ALM GL ch. 40A_ _ 5.pdf

Hi Charleen:

I have attached in partial response to David's letter of 11/16 a copy of General Laws c. 40A s. 5. In the eighth paragraph the statute provides: *"The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting;"* The matter is ripe for consideration by the Planning Board, subject only to the risk that the AG disapproves the bylaw, in which event any permit will not be valid.

I may provide an additional response to other matters raised in the letter.

My best,

Ben

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



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User Name: Benjamin Zehnder

Date and Time: Monday, November 16, 2020 2:45:00 PM EST

Job Number: 130158621

Document (1)

1. [ALM GL ch. 40A, § 5](#)

Client/Matter: client

Search Terms: 40A 5

Search Type: Natural Language

Narrowed by:

Content Type
Statutes and Legislation

Narrowed by
Massachusetts

[ALM GL ch. 40A, § 5](#)

Current through Chapters 1-199 of the 2020 Legislative Session of the 191st General Court.

Annotated Laws of Massachusetts > PART I ADMINISTRATION OF THE GOVERNMENT (Chs. 1 - 182) > TITLE VII CITIES, TOWNS AND DISTRICTS (Chs. 39 - 49A) > TITLE VII CITIES, TOWNS AND DISTRICTS (Chs. 39 — 49A) > Chapter 40A Zoning (§§ 1 — 17)

§ 5. Procedure for Adoption or Change of Zoning Ordinances.

Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said

ALM GL ch. 40A, § 5

new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by [section thirty-two of chapter forty](#), he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to [section thirty-two of chapter forty](#). If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to [section thirty-two of chapter forty](#), the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

History

1975, 808, § 3; 1977, 829, §§ 3B, 3C; 1984, 189, § 47; 1987, 685, § 3; [1991, 515, §§ 1, 2](#); [1996, 258, § 16](#); [1998, 161, § 255](#); [2008, 451, § 45](#).

Annotations

Notes

Codification

Acts 1975, 808, § 3 enacted this section. Section 7 provides:

SECTION 7. This act shall take effect on January first, nineteen hundred and seventy-six as to zoning ordinances and by-laws and amendments, other than zoning map amendments, adopted after said date.

Amendment Notes

The 1977 amendment made corrective changes in the third and seventh paragraphs.

The 1984 amendment, in the first sentence, substituted “changed” for “change”.

The 1987 amendment, in the second paragraph, added the fifth sentence, relating to waiver of notice and affidavits of actual notice, and, in the seventh sentence, following “boundary”, inserted “, density”; in the first sentence of the third paragraph and in the fourth paragraph, following “by-law”, inserted “or amendment thereto”; in the eighth paragraph, added the second sentence, relating to the filing of a true copy of a zoning ordinance or by-law or amendment thereto; and in the ninth paragraph, following “unless”, deleted “within one hundred and twenty days after adoption of an ordinance or by-law”, and, following “commenced”, inserted “within the time period specified in sections thirty-two and thirty-two A of chapter forty”.

The 1991 amendment, effective Apr 7, 1992, by § 1, in the seventh paragraph, added the last sentence relative to effective date of zoning ordinance in certain municipalities; and by § 2, in the eighth paragraph, deleted the first sentence which read: “After approval of zoning by-laws by the attorney general, or adoption of zoning ordinances by the city council, a copy of the latest effective zoning ordinances or by-laws shall be sent by the city or town clerk to the department of community affairs.”

The 1996 amendment, effective Aug 7, 1996, inserted the third paragraph.

The 1998 amendment, effective July 2, 1998, in the second paragraph, substituted “housing and community development.” for “community affairs” in each instance.

The 2008 amendment, effective June 30, 2009, in the fourth sentence of the second paragraph substituted “city and town” for “cities and towns”. Section 187 provides:

SECTION 187. Sections 4, 9 to 16, inclusive, 20, 23 to 32, inclusive, 35 to 45, inclusive, 52 to 58, inclusive, 60, 66 to 69, inclusive, 74, 79, 82, 83, 85 to 87, inclusive, 90, 91, 142 to 147, inclusive, 150 to 167, inclusive, and 169 to 171, inclusive, shall take effect on June 30, 2009.

Notes to Decisions

I. UNDER CURRENT LAW

1. In general
2. Amendments to zoning ordinances
3. Valid zoning ordinances
4. Challenges

II. UNDER FORMER § 6

5. In general
6. Notice and hearing
7. Report of board
8. Validity of amendment adopted

III. UNDER FORMER § 7

9. In general
10. Constitutionality
11. Construction and effect

I. UNDER CURRENT LAW

1. In general

Town wetlands protection bylaw did not conflict with Zoning Enabling Act, in that it was not zoning regulation, or with state Wetlands Protection Act, ALM GL c 131 § [40](#), in that it furthered and did not derogate from legislative purpose. [Lovequist v. Conservation Com. of Dennis \(Mass. Aug. 21, 1979\), 379 Mass. 7, 393 N.E.2d 858, 1979 Mass. LEXIS 902.](#)

There is statutory authority for municipality to impose reasonable time-based zoning controls on local development. [Sturges v. Chilmark \(Mass. 1980\), 380 Mass. 246, 402 N.E.2d 1346, 1980 Mass. LEXIS 1070.](#)

Martha's Vineyard Commission has authority to adopt regulations similar to those which city or town may adopt. [Woods Hole v. Martha's Vineyard Com. \(Mass. 1980\), 380 Mass. 785, 405 N.E.2d 961, 1980 Mass. LEXIS 1157.](#)

Town by-laws regulating location of trailers were not adopted as zoning laws and procedural requirements of [ALM GL c 40A § 5](#) were inapplicable. [Cherkes v. Westport \(Mass. Sept. 10, 1984\), 393 Mass. 9, 468 N.E.2d 269, 1984 Mass. LEXIS 1727.](#)

ALM GL ch. 40A, § 5

[ALM GL c 40A § 5](#) is not only means by which zoning ordinance may be changed or repealed, since amendments to zoning ordinance are subject to referendum. [La Branche v. A.J. Lane & Co. \(Mass. Apr. 24, 1989\), 404 Mass. 725, 537 N.E.2d 119, 1989 Mass. LEXIS 114.](#)

Private individuals have no standing to challenge town meeting vote to rezone land. [Knowles v. Codex Corp. \(Mass. App. Ct. Oct. 14, 1981\), 12 Mass. App. Ct. 493, 426 N.E.2d 734, 1981 Mass. App. LEXIS 1221.](#)

With the exception of a special proviso contained within [ALM GL c 40A § 5](#), whenever a group exceeds a membership of five persons, the quantum of vote required to take action never exceeds two-thirds. [ALM GL c 40A § 9](#), a provision dealing with the related field of special permits, serves as a primary example of this finding. [Cottone v. Cedar Lake, LLC \(Mass. Super. Ct. Mar. 31, 2005\), 19 Mass. L. Rep. 206, 2005 Mass. Super. LEXIS 160, aff'd, \(Mass. App. Ct. Sept. 28, 2006\), 67 Mass. App. Ct. 464, 854 N.E.2d 456, 2006 Mass. App. LEXIS 992.](#)

2. Amendments to zoning ordinances

Amendment of town's zoning bylaw changing zoning of parcel of land owned by corporation from single residence to limited industrial was validly adopted at town meeting. [MacKeen v. Canton \(Mass. Jan. 11, 1980\), 379 Mass. 514, 399 N.E.2d 22, 1980 Mass. LEXIS 950.](#)

Town residents failed to demonstrate that moderator acted other than in good faith in conduct of meeting concerning amendment to zoning bylaw. [MacKeen v. Canton \(Mass. Jan. 11, 1980\), 379 Mass. 514, 399 N.E.2d 22, 1980 Mass. LEXIS 950.](#)

Board of selectmen acted within their home rule powers in enacting a zoning amendment, pursuant to an arrangement already approved at a town meeting, that permitted the building of a power plant, after which the power company made a large donation to the town that enabled it to fund a new high school; certainly all the procedures required by ALM GL c [40A](#) had been followed, and the trial court should not have held the amendment to be violative of public policy since the pursuit of local economic viability was a proper focus for exercises of the police power. [Durand v. IDC Bellingham, L.L.C. \(Mass. Aug. 15, 2003\), 440 Mass. 45, 793 N.E.2d 359, 2003 Mass. LEXIS 587.](#)

Building permits were not subject to development moratorium adopted as amendment to zoning ordinance where they were issued prior to first notice of public hearing within 90 days of which city council adopted amendment. [Carstensen v. Cambridge Zoning Bd. of Appeals \(Mass. App. Ct. Feb. 13, 1981\), 11 Mass. App. Ct. 348, 416 N.E.2d 522, 1981 Mass. App. LEXIS 933.](#)

Illegal "spot zoning" shown by amendment to town's zoning bylaw changing 20-acre parcel of land in "rural residential" zone, where only single family homes and farms are permitted to "general commercial" so as to allow physician to construct office building. [Mastriani v. Building Inspector of Monson \(Mass. App. Ct. Mar. 6, 1985\), 19 Mass. App. Ct. 989, 475 N.E.2d 408, 1985 Mass. App. LEXIS 1607.](#)

In a case involving the amendment of a town's zoning by-law pursuant to [ALM GL c 40A, § 5](#), summary judgment for the town was proper because the town meeting minutes contained nothing indicating confusion where no voters protested or expressed concern or confusion either before or after the overwhelming vote in support of the proposal. [Wolf v. Town of Mansfield \(Mass. App. Ct. Aug. 8, 2006\), 67 Mass. App. Ct. 56, 851 N.E.2d 1115, 2006 Mass. App. LEXIS 853.](#)

3. Valid zoning ordinances

Rational basis existed for town of Chilmark's zoning bylaw limiting rate of residential development, given general public interest in regulating developments on Martha's Vineyard and specific concerns over subsoil conditions in

town and need for time to study dimensions of problems; bylaw is constitutional. [Sturges v. Chilmark \(Mass. 1980\), 380 Mass. 246, 402 N.E.2d 1346, 1980 Mass. LEXIS 1070.](#)

4. Challenges

Property owners' challenge to a town's zoning map based on alleged inconsistencies with the actual text of an amendment to a zoning bylaw were time-barred by [ALM GL c 40A, § 5](#) because the zoning change took effect on October 23, 1995, at a special town meeting adopting the amendment as the attorney general approved the amendment under ALM GL c 40, § [32](#) and a challenge was not filed within 90 days. [Bruni v. Planning Bd. \(Mass. App. Ct. Feb. 10, 2009\), 73 Mass. App. Ct. 663, 900 N.E.2d 904, 2009 Mass. App. LEXIS 186.](#)

Because off-street parking had previously been regulated by a town's zoning bylaws, and not its general ordinances or bylaws, and because discussion in the public meetings did not link parking to any public health issue, but rather centered on the character and quality of the town's neighborhoods, the town's attempt to use its general ordinance power to regulate off-street parking violated ALM GL c [40A](#). [Spenninhauer v. Town of Barnstable \(Mass. App. Ct. Aug. 18, 2011\), 80 Mass. App. Ct. 134, 951 N.E.2d 967, 2011 Mass. App. LEXIS 1124.](#)

II. UNDER FORMER § 6

5. In general

Former section 26, relating to notice and hearing, was held constitutional. [In re Opinion of Justices \(Mass. Apr. 30, 1920\), 234 Mass. 597, 127 N.E. 525, 1920 Mass. LEXIS 900.](#)

The section as it formerly read did not apply to towns. [Lexington v. Bean \(Mass. 1930\), 272 Mass. 547, 172 N.E. 867, 1930 Mass. LEXIS 1271.](#)

Requirements of such former section, relating to modification or repeal of zoning by-law, were not applicable to original enactment thereof. [Lexington v. Bean \(Mass. 1930\), 272 Mass. 547, 172 N.E. 867, 1930 Mass. LEXIS 1271.](#)

No such strictness is to be used in construing articles which deal with matters generally acted upon by towns under ALM GL c 39, § [10](#), as is required in article relating to modification of zoning ordinance under predecessors of instant section. [Nelson v. Belmont \(Mass. Jan. 6, 1931\), 274 Mass. 35, 174 N.E. 320, 1931 Mass. LEXIS 1251; Tuckerman v. Moynihan \(Mass. Apr. 4, 1933\), 282 Mass. 562, 185 N.E. 2, 1933 Mass. LEXIS 896.](#)

Generally speaking, zoning ordinances may be amended when character and use of district of surrounding territory have become so changed that public health, morals, safety and welfare would be promoted by change in boundaries or in regulations prescribed for certain districts, but mere economic gain to owner of comparatively small area is not sufficient cause to invoke exercise of amending power for benefit of such owner, and degree of permanence that is ordinarily to be attributed to existing ordinances is emphasized by statutory requirements which, under former ALM GL c 40 § [27](#), had to be complied with in order to effect existing regulations. [Leahy v. Inspector of Bldgs. \(Mass. Jan. 22, 1941\), 308 Mass. 128, 31 N.E.2d 436, 1941 Mass. LEXIS 648.](#)

Permanence is ordinarily to be attributed to existing ordinances. That feature of zoning ordinances and by-laws is emphasized by statutory requirements which must be complied with in order to affect existing regulations. [Leahy v. Inspector of Bldgs. \(Mass. Jan. 22, 1941\), 308 Mass. 128, 31 N.E.2d 436, 1941 Mass. LEXIS 648.](#)

This statute, as in force in 1940 (see 1933, c 269, s. 1), did not require city council to adopt zoning map. [Newburyport v. Thurlow \(Mass. Mar. 7, 1949\), 324 Mass. 40, 84 N.E.2d 450, 1949 Mass. LEXIS 539.](#)

ALM GL ch. 40A, § 5

This section of instant chapter indicates intention of legislature that at every stage of zoning law change there shall be procedural safeguards against ill considered action. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657.](#)

Procedure for changes in zoning ordinances prescribed by instant chapter includes (1) hearings, after notice, before planning board and council or one of its committees, (2) report by planning board, and (3) votes by specified portions of membership of both branches of city council. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657.](#)

Where proposed zoning change fails of passage by final vote of city council, even though proposed change was recommended by final report of planning board so that it may be presented for reconsideration within two years after vote of city council, if proposed change is presented for reconsideration, statutory requirements laid down by instant chapter must again be complied with. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657.](#)

Where at meeting of city council proposed zoning change was defeated for lack of votes necessary to pass it, and at same meeting motion for immediate reconsideration was made and defeated, and same change was again brought up before council at subsequent meeting, vote of city council at first meeting constituted final action upon proposed change and matter could not, under guise of reconsideration, be considered again at subsequent meeting without new compliance with requirements of instant chapter. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657.](#)

This section indicates intention of legislature that at every stage of zoning law change there shall be procedural safeguards against ill-considered action. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657.](#)

Planning board could properly disallow subdivision plan under former ALM GL c 41, § [81U](#) because such plan was inconsistent with zoning bylaw which had, at time, been adopted by municipality even though zoning bylaw was not then yet fully effective because it had not been approved by Attorney General. [Doliner v. Planning Board of Millis \(Mass. June 9, 1961\), 343 Mass. 1, 175 N.E.2d 919, 1961 Mass. LEXIS 594.](#)

Where subdivision plan was submitted under ALM GL c 41, §§ [81O](#) and [81S](#) prior to time amended zoning bylaw was adopted under former ALM GL c [40A](#) § 6, subdivision plan, by virtue of former ALM GL c [40A](#) § 7, could not be disapproved on ground that it did not conform to amended zoning bylaw. [Ward & Johnson, Inc. v. Planning Bd. of Whitman \(Mass. Jan. 23, 1962\), 343 Mass. 466, 179 N.E.2d 331, 1962 Mass. LEXIS 824.](#)

Even prior to 1961 amendment to instant section which provides for action upon proposed zoning ordinance within 90 days after public hearing, ordinance was invalid if it was not adopted within reasonable time after public hearing because purpose of provision as to hearing is to insure that current views of residents would be taken into account by city council when it considered ordinance, and such purpose would be thwarted if unreasonable time intervened between hearing and adoption of ordinance. Under earlier law, lapse of five years between public hearing and adoption of ordinance was clearly unreasonable and rendered ordinance invalid. [Gricus v. Superintendent & Inspector of Bldgs. \(Mass. Apr. 2, 1963\), 345 Mass. 687, 189 N.E.2d 209, 1963 Mass. LEXIS 731.](#)

Where, following passage of valid amendment which placed defendants' land in less restrictive zone where two-family dwellings were permitted, plaintiffs' motion to amend their original bill in equity to have defendants' building permit declared null and void was denied and their bill dismissed because subject matter had become moot by reason of enactment of amendment. [Sullivan v. Board of Appeals \(Mass. Mar. 1, 1965\), 348 Mass. 793, 205 N.E.2d 343, 1965 Mass. LEXIS 916.](#)

For case involving question as to which of two zoning maps had been adopted by city council as part of zoning ordinance, one of maps having been attested by city clerk and other not having been attested, where it was determined, without referring to instant section, that attested map was one which had been adopted, see [Mariano v. Building Inspector of Marlborough \(Mass. Feb. 9, 1968\), 353 Mass. 663, 233 N.E.2d 903, 1968 Mass. LEXIS 710.](#)

Fact that changes in zoning regulations are subject to provisions of instant section for hearing before planning board and report by board to legislative body is one of indications that zoning regulations are intended to have certain degree of permanency, since they are more difficult to amend than most other by-laws. [Enos v. Brockton \(Mass. May 7, 1968\), 354 Mass. 278, 236 N.E.2d 919, 1968 Mass. LEXIS 807](#), limited, [Decoulos v. Peabody \(Mass. Nov. 8, 1971\), 360 Mass. 428, 274 N.E.2d 816, 1971 Mass. LEXIS 736](#).

Zoning by-laws should be interpreted reasonably and given sensible meaning if permitted by language of by-law. [Green v. Board of Appeal \(Mass. Nov. 4, 1970\), 358 Mass. 253, 263 N.E.2d 423, 1970 Mass. LEXIS 722](#).

6. Notice and hearing

This and kindred sections require no other notice and opportunity for hearing, proceeding original enactment of zoning by-law by town, than are provided by requirements of warrant and notice of town meeting. [Lexington v. Bean \(Mass. 1930\), 272 Mass. 547, 172 N.E. 867, 1930 Mass. LEXIS 1271](#).

Provisions of predecessor or instant section and ALM GL c 41 §§ [70](#), [71](#) and [72](#), were said to be peremptory to effect that no by-law changing boundaries of zoning districts should be adopted until after there has been public hearing on subject and submission of "final report with recommendations" by planning board. By plain words condition precedent was thus established to making of such changes; Thus town meeting had no jurisdiction to take up consideration of merits of such change unless and until there was before it report by planning board "with recommendations." [Whittemore v. Town Clerk of Falmouth \(Mass. Dec. 27, 1937\), 299 Mass. 64, 12 N.E.2d 187, 1937 Mass. LEXIS 986](#).

Where amendment to zoning ordinance under former ALM GL c 40 § [27](#) was attacked on ground that notice of hearing thereon had not been given to interested parties, but where it appeared that all such interested parties attended hearing and several of them filed objections to amendment, it was held that any objections as to notice were waived. [Pitman v. Medford \(Mass. Dec. 29, 1942\), 312 Mass. 618, 45 N.E.2d 973, 1942 Mass. LEXIS 913](#).

Under former ALM GL c 40 § [27](#) as inserted by Acts 1933, 269, § 1 (prior to its amendment by Acts 1941, 320), regulating procedure for making amendment to zoning ordinances, there was no express provision for mailing of notices to interested parties. [Pitman v. Medford \(Mass. Dec. 29, 1942\), 312 Mass. 618, 45 N.E.2d 973, 1942 Mass. LEXIS 913](#).

Notice published four days before day of hearing before planning board was sufficient. [Burlington v. Dunn \(Mass. May 7, 1945\), 318 Mass. 216, 61 N.E.2d 243, 1945 Mass. LEXIS 555](#), cert. denied, (U.S. Oct. 8, 1945), 326 U.S. 739, 66 S. Ct. 51, 90 L. Ed. 441, 1945 U.S. LEXIS 1776.

Change in zoning by-law voted by town without notice, hearing and report was not valid in absence of action by planning board, see [Fish v. Canton \(Mass. Jan. 5, 1948\), 322 Mass. 219, 77 N.E.2d 231, 1948 Mass. LEXIS 473](#).

Where at public hearing on new proposed zoning bylaw changes involving shifts in classification of relatively small parcels from one district to another were proposed and thirteen of such proposed changes involving 4.3% of total acreage were accepted by planning board, finding was warranted that such changes did not change substantial character of proposed by-law so as to require another public hearing under instant section. [Doliner v. Town Clerk of Millis \(Mass. June 9, 1961\), 343 Mass. 10, 175 N.E.2d 925, 1961 Mass. LEXIS 595](#).

Where planning board and committee of aldermen of city gave joint notice of public hearing upon adoption of rezoning ordinance and held joint hearing thereon but with separate minutes and separate deliberations by two bodies, requirements of instant section were sufficiently complied with, there being both planning board hearing and committee hearing, and there being nothing in instant section to require that separate hearings be held. [Woods v. Newton \(Mass. June 8, 1966\), 351 Mass. 98, 217 N.E.2d 728, 1966 Mass. LEXIS 618](#).

Town zoning by-law exempting all municipal uses from zoning restrictions is not invalid on theory that it would allow town to locate use in particular district and thus to change character of district without hearing and showing required by instant chapter, where exemption itself was adopted after public hearing and where hearing was also afforded when selectmen, acting under exemption, located particular use. [Sinn v. Board of Selectmen \(Mass. June 9, 1970\), 357 Mass. 606, 259 N.E.2d 557, 1970 Mass. LEXIS 867.](#)

Two successive weeks means two successive calendar weeks. [Crall v. Leominster \(Mass. June 5, 1972\), 362 Mass. 95, 284 N.E.2d 610, 1972 Mass. LEXIS 762.](#)

7. Report of board

Word “recommendation” in its context in predecessor of this statute connoted advice based upon information and enlightenment elicited at public hearing and upon study and reflection, to ascertain wisest course for town to pursue. It meant that permanent board of public officers whose duties related to study of means of improvement of general living conditions should make preliminary investigation and report with recommendations before town could take action. [Whittemore v. Town Clerk of Falmouth \(Mass. Dec. 27, 1937\), 299 Mass. 64, 12 N.E.2d 187, 1937 Mass. LEXIS 986.](#)

Statement of inability to make recommendation cannot be interpreted to be report “with recommendations.” It is not negative report on subject. It is at most simply neutral. It is wanting in every element of positiveness required by statute as to recommendations. [Whittemore v. Town Clerk of Falmouth \(Mass. Dec. 27, 1937\), 299 Mass. 64, 12 N.E.2d 187, 1937 Mass. LEXIS 986.](#)

Under former law, report was only of advisory nature and was not binding upon voters. [Caires v. Building Comm'r of Hingham \(Mass. Jan. 5, 1949\), 323 Mass. 589, 83 N.E.2d 550, 1949 Mass. LEXIS 505.](#)

Report by planning Board under instant section is advisory only and in no sense binding on voters, and fact that such report is adverse to proposed amendment to zoning by-laws does not invalidate vote adopting amendment. [Noonan v. Moulton \(Mass. Mar. 3, 1965\), 348 Mass. 633, 204 N.E.2d 897, 1965 Mass. LEXIS 862.](#)

Report of planning board upon proposed zoning amendment to effect that board felt that it would be inconsistent to make recommendations on any zoning changes at time because further study was needed constitutes sufficient final report, with negative recommendations, within meaning of instant section. [Rousseau v. Building Inspector of Framingham \(Mass. Apr. 21, 1965\), 349 Mass. 31, 206 N.E.2d 399, 1965 Mass. LEXIS 684;](#) [Caputo v. Board of Appeals \(Mass. Apr. 2, 1953\), 330 Mass. 107, 111 N.E.2d 674, 1953 Mass. LEXIS 427.](#)

Recommendation by planning board approving adoption of zoning amendment is not invalid, under instant section, because it is in summary form, as in form of vote “to approve request for rezoning”. [Longo v. Malden \(Mass. Dec. 31, 1965\), 350 Mass. 761, 213 N.E.2d 387, 1965 Mass. LEXIS 999.](#)

Under instant section, planning board is charged with duty of submitting its report and recommendations to city council, which report is condition precedent to adoption of ordinance, but if validity of adoption of ordinance is called in question, evidence that individual wrote to planning board favoring adoption of ordinance is of no materiality. [Barrett v. Building Inspector of Peabody \(Mass. Mar. 8, 1968\), 354 Mass. 38, 234 N.E.2d 884, 1968 Mass. LEXIS 759.](#)

ALM GL c 41, § [81](#) I relative to advisory planning board reports in connection with laying out of highways bears some resemblance to this section providing for advisory planning board reports in connection with certain zoning activities, and while adoption of official maps or plans has not been considered as prerequisite to zoning activity, advisory reports of planning boards have been treated as important to some aspects of municipal action on land use and regulation. [Poremba v. Springfield \(Mass. June 5, 1968\), 354 Mass. 432, 238 N.E.2d 43, 1968 Mass. LEXIS 835.](#)

Town meeting was without jurisdiction to adopt zoning bylaw which had not been recommended by planning board or by special board appointed by selectmen, as was required under this section. [Canton v. Bruno \(Mass. Apr. 18, 1972\), 361 Mass. 598, 282 N.E.2d 87, 1972 Mass. LEXIS 932.](#)

8. Validity of amendment adopted

Under former ALM GL c 40 §§ [25](#) and [27](#), it was held that amendment of zoning ordinance was prohibited where it singled out single parcel in long-established residential district, where no substantial change in character or use had occurred since zoning ordinance thus became effective, and where it imposed less onerous restrictions upon such lot than were imposed upon remaining portions of same zoning district. [Leahy v. Inspector of Bldgs. \(Mass. Jan. 22, 1941\), 308 Mass. 128, 31 N.E.2d 436, 1941 Mass. LEXIS 648.](#)

City council was empowered to amend zoning ordinance when character and use of district or surrounding territory had become so changed since original ordinance was enacted that public health, morals, safety and welfare would be promoted if change were made in boundaries or in regulations prescribed for certain districts; but mere economic gain to owner of comparatively small area was not sufficient cause to invoke exercise of this amending power for benefit of such owner. [Leahy v. Inspector of Bldgs. \(Mass. Jan. 22, 1941\), 308 Mass. 128, 31 N.E.2d 436, 1941 Mass. LEXIS 648.](#)

By-law as adopted need not exactly follow proposal set forth in warrant. [Burlington v. Dunn \(Mass. May 7, 1945\), 318 Mass. 216, 61 N.E.2d 243, 1945 Mass. LEXIS 555](#), cert. denied, (U.S. Oct. 8, 1945), 326 U.S. 739, 66 S. Ct. 51, 90 L. Ed. 441, 1945 U.S. LEXIS 1776.

Under earlier law another hearing before planning board was not required whenever, as result of one hearing, board decided to amend what had previously been proposed, particularly where amendments were not of fundamental character, and they did not change identity of proposal before board, but were designed merely to perfect that proposal. [Burlington v. Dunn \(Mass. May 7, 1945\), 318 Mass. 216, 61 N.E.2d 243, 1945 Mass. LEXIS 555](#), cert. denied, (U.S. Oct. 8, 1945), 326 U.S. 739, 66 S. Ct. 51, 90 L. Ed. 441, 1945 U.S. LEXIS 1776.

Where municipality, by amendment to zoning ordinance, changed large tract of land from single residence "A" district to limited manufacturing district, and amendment was not invalid as constituting spot zoning or as violating requirement of uniform classification, fact that owner of land imposed, by contract, certain restrictions on use of land in addition to those imposed by ordinance did not invalidate zoning amendment, and this is so even though imposition of restrictions by owner constituted significant inducement to passage of zoning amendment, and passage of amendment induced imposition of restrictions. In addition, imposition of such restrictions after notice and hearing under instant section did not require as condition to validity of zoning amendment new notice and hearing. [Sylvania Electric Products, Inc. v. Newton \(Mass. May 31, 1962\), 344 Mass. 428, 183 N.E.2d 118, 1962 Mass. LEXIS 755.](#)

Where area of land proposed to be changed from single residence to general residence district was described in warrant as fronting for 181.6 feet on street in town but, by amendment at meeting, distance along street was extended to 401.6 feet with depth of area remaining same, after which zoning change was adopted, extension of length of area was not so fundamental departure from provisions of article contained in warrant as to be amendment improper under instant section. [Sullivan v. Board of Selectmen \(Mass. Jan. 29, 1964\), 346 Mass. 784, 196 N.E.2d 185, 1964 Mass. LEXIS 891.](#)

By-law which fails to establish any standards is fatally defective, and, in effect, is unlimited delegation of zoning power to Board of Appeal. [Cooke v. Board of Appeal \(Mass. Mar. 1, 1965\), 348 Mass. 792, 205 N.E.2d 343, 1965 Mass. LEXIS 914.](#)

Board of appeals has no power to declare zoning amendments invalid. [Bearce v. Zoning Board of Appeals \(Mass. July 22, 1966\), 351 Mass. 316, 219 N.E.2d 15, 1966 Mass. LEXIS 644.](#)

Upon issue of validity of ordinance which was adopted, evidence as to number of individuals who favored ordinance has no materiality. [*Barrett v. Building Inspector of Peabody \(Mass. Mar. 8, 1968\), 354 Mass. 38, 234 N.E.2d 884, 1968 Mass. LEXIS 759.*](#)

Where zoning amendment was adopted by city council after compliance with requirement of instant section for planning board hearing and with other procedural requirements, it was decided that amendment was validly adopted even though city council, in adopting amendment, did not fully comply with procedural requirements prescribed by local ordinances for adoption of ordinances generally. [*Durand v. Superintendent of Public Bldgs. \(Mass. Mar. 28, 1968\), 354 Mass. 74, 235 N.E.2d 550, 1968 Mass. LEXIS 765.*](#)

Where planning board held public meeting upon zoning amendment proposed in town meeting warrant, and submitted adverse report on proposal, subsequent adoption of amendment relative to same subject matter as that contained in proposal but differing in several respects therefrom was not invalidated by fact that planning board did not hold another hearing on changed proposal, inasmuch as board had complied with instant section which in such case did not require second hearing, nor was fact that board's report was adverse of any consequence since such report is advisory only. [*Johnson v. Framingham \(Mass. Dec. 2, 1968\), 354 Mass. 750, 242 N.E.2d 420, 1968 Mass. LEXIS 893.*](#)

Where zoning amendments which changed zoning classification of large acreage of land so as to place it in limited industrial district were attacked by owners of land which was within affected acreage, every presumption would be made in favor of amendments, and validity of amendments was upheld where they resulted from long range study, were recommended by planning board, land rezoned was adjacent to interchange of highways, land of petitioners was not singled out for separate treatment, and determination of boundaries of new district was reasonable. [*Rosko v. Marlborough \(Mass. Dec. 10, 1968\), 355 Mass. 51, 242 N.E.2d 857, 1968 Mass. LEXIS 739.*](#)

Although it was permissible to replace rotted, exposed parts of building operated in residential zone as hotel or "club" (lawful nonconforming use), construction of pier on water side of building to attract persons arriving by boat constituted erection of commercial structure in violation of applicable zoning ordinances. [*Crawford v. Building Inspector of Barnstable \(Mass. June 6, 1969\), 356 Mass. 174, 248 N.E.2d 488, 1969 Mass. LEXIS 682.*](#)

Enactment of 2 year moratorium of construction of apartment buildings was "amendment" to existing zoning by-law, though it may be classified as "interim zoning" for temporary period. [*Collura v. Arlington \(Mass. June 3, 1975\), 367 Mass. 881, 329 N.E.2d 733, 1975 Mass. LEXIS 908.*](#)

By-law limiting maximum number of trailer park licenses was zoning regulation and not exercise of general police power, and was invalid for failure to comply with statutory procedures for amending zoning laws. [*Rayco Inv. Corp. v. Board of Selectmen \(Mass. July 22, 1975\), 368 Mass. 385, 331 N.E.2d 910, 1975 Mass. LEXIS 1008.*](#)

III. UNDER FORMER § 7

9. In general

For case where written protest against application for reclassification of locus from residence to business district was filed under instant section, and where city council after public hearing adopted amendment reclassifying locus, see [*Barrett v. Building Inspector of Peabody \(Mass. Mar. 8, 1968\), 354 Mass. 38, 234 N.E.2d 884, 1968 Mass. LEXIS 759.*](#)

Fact that changes in zoning regulations usually require two-thirds vote of municipal law making body, and in some instances three-fourths or even unanimous vote is required, is one of indications that zoning regulations are intended to have certain degree of permanency, since they are more difficult to amend than most other by-laws and

ordinances. [Enos v. Brockton \(Mass. May 7, 1968\), 354 Mass. 278, 236 N.E.2d 919, 1968 Mass. LEXIS 807](#), limited, [Decoulos v. Peabody \(Mass. Nov. 8, 1971\), 360 Mass. 428, 274 N.E.2d 816, 1971 Mass. LEXIS 736](#).

10. Constitutionality

Provision requiring three - fourths vote of nine person council for zoning change, if protest is filed, is constitutional; it did not constitute improper delegation of legislative power to private individuals, nor deny equal protection to those favoring the change, nor was it unrelated to the public welfare, and it was not flawed by a failure to define standards for protestors or for city council, as sufficient standards were set forth in instant chapter. [Trumper v. Quincy \(Mass. Dec. 7, 1970\), 358 Mass. 311, 264 N.E.2d 689, 1970 Mass. LEXIS 731](#).

11. Construction and effect

Under former ALM GL c 40 § [27](#), it has been held that amendments were not effective which were not adopted by two-thirds vote of town meeting. [Selectmen of Sudbury v. Garden City Gravel Corp. \(Mass. Mar. 28, 1938\), 300 Mass. 41, 14 N.E.2d 112, 1938 Mass. LEXIS 876](#).

Procedure for changes in zoning ordinances prescribed by instant chapter includes (1) hearings, after notice, before planning board and council or one of its committees, (2) report by planning board, and (3) votes by specified portions of membership of both branches of city council. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657](#).

Where city council of city consisted of eighteen councilmen and eight aldermen, and where written protest had been filed with city clerk in accordance with instant section, vote of three-fourths of full membership was required for passage of zoning ordinance change. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657](#).

Where proposed zoning change fails of passage by final vote of city council, even though, proposed change was recommended by final report of planning board so that it may be presented for reconsideration within two years after vote of city council, if proposed change is presented for reconsideration, statutory requirements laid down by instant section must again be complied with. [Kitty v. Springfield \(Mass. Dec. 11, 1961\), 343 Mass. 321, 178 N.E.2d 580, 1961 Mass. LEXIS 657](#).

Board of Appeals has no power to declare zoning amendments invalid. [Bearce v. Zoning Board of Appeals \(Mass. July 22, 1966\), 351 Mass. 316, 219 N.E.2d 15, 1966 Mass. LEXIS 644](#).

Instant section is of general application throughout State and its requirements for adoption of zoning ordinances cannot be varied by provisions of local charters imposing lesser requirements. Hence, three fourths vote required, after protest, by instant section for adoption of zoning change cannot be affected by local charter provision requiring only simple majority vote for adoption of any ordinance. [Kubik v. Chicopee \(Mass. Jan. 8, 1968\), 353 Mass. 514, 233 N.E.2d 219, 1968 Mass. LEXIS 680](#).

Where zoning change was adopted by board of aldermen but vetoed by mayor, requirement of instant section for three fourths vote after protest is filed is applicable to vote to enact zoning change over mayor's veto. [Kubik v. Chicopee \(Mass. Jan. 8, 1968\), 353 Mass. 514, 233 N.E.2d 219, 1968 Mass. LEXIS 680](#).

Proportionate vote of "all of the members of the city council" required by instant section means proportionate vote of full membership of council and it makes no allowance for temporary disqualification of council member to vote on proposal. Hence, nine to three vote of thirteen man board of aldermen in favor of adopting zoning change after protest filed did not comply with instant section since it was less than three fourths of thirteen man board, and result was not altered by fact that one board member was disqualified from voting because he was acting as mayor during

temporary absence of elected mayor. [Kubik v. Chicopee \(Mass. Jan. 8, 1968\), 353 Mass. 514, 233 N.E.2d 219, 1968 Mass. LEXIS 680.](#)

Town zoning by-law exempting all municipal uses from zoning restrictions is not invalid on theory that it would allow town to locate use in particular district and thus to change character of district without hearing and showing required by instant chapter. Where exemption itself was adopted after public hearing and where hearing was also afforded when selectmen, acting under exemption, located particular use. [Sinn v. Board of Selectmen \(Mass. June 9, 1970\), 357 Mass. 606, 259 N.E.2d 557, 1970 Mass. LEXIS 867.](#)

By-law limiting maximum number of trailer park licenses was zoning regulation and not exercise of general police power, and was invalid for failure to comply with statutory procedures for amending zoning laws. [Rayco Inv. Corp. v. Board of Selectmen \(Mass. July 22, 1975\), 368 Mass. 385, 331 N.E.2d 910, 1975 Mass. LEXIS 1008.](#)

Amendment to zoning by-law increasing lot size from 25,000 to 50,000 square feet was not applicable to preliminary grid end cluster subdivision plans, since amendment took effect under ALM GL c 40 § [32](#) after filing of plans. [Chira v. Planning Bd. of Tisbury \(Mass. App. Ct. Aug. 20, 1975\), 3 Mass. App. Ct. 433, 333 N.E.2d 204, 1975 Mass. App. LEXIS 661.](#)

Section mandates written reasons to be filed with protest, if unanimity or three-quarters vote is to be required. [Parisi v. Gloucester \(Mass. App. Ct. Dec. 29, 1975\), 3 Mass. App. Ct. 680, 338 N.E.2d 847, 1975 Mass. App. LEXIS 691.](#)

Amendment to zoning bylaw took effect as soon as it was adopted, approved, and published in accordance with procedure prescribed in former statute [ALM GL c 40A § 7](#) (prior to being stricken by St. 1975 c 808 § 3) and ALM GL c 40 § [32](#). [Wolk v. Planning Bd. of Stoughton \(Mass. App. Ct. May 28, 1976\), 4 Mass. App. Ct. 812, 347 N.E.2d 700, 1976 Mass. App. LEXIS 603.](#)

Research References & Practice Aids

Research References and Practice Aids

Law Reviews

Barron and Frug, Democracy in Action: The Law & Politics of Local Governance: Defensive Localism: A View Of The Field From The Field. [21 J. L. & Politics 261 \(Spring/Summer, 2005\).](#)

Whitcher, Durand v. IDC Bellingham, LLC: Towns for Sale? [39 New Eng. L. Rev. 871 \(Summer, 2005\).](#)

Hays, Application of chapter 808 to existing structures, uses, plan variances and permits. 22 B.B.J. 17 (April, 1978).

Brown, *Home Rule Wetlands Protection in Massachusetts: Lovequist v Conservation Commission of the Town of Dennis*. 9 Boston C. Environmental Affairs L Rev 103 (Winter 1980–1981).

McLaughlin, The Obligation of the State Legislature to Amend the New Zoning Act. 63 Mass. L. Rev. 149 (August, 1978).

Healy, Massachusetts Zoning Practice under the Amended Zoning Enabling Act. 64 Mass. L. Rev. 149 (October, 1979).

Dawson, Protecting Massachusetts Wetlands. 12 Suffolk U. L. Rev. 755 (Summer, 1978).

Treatises

Levey, *Massachusetts Zoning and Land Use Law* (Michie) §§ 3-2, 3-3.

Marzelli and Marzelli, *Massachusetts Real Estate*, 2d ed. (Michie) §§ 2:1–2:10, Zoning, Forms 35–54.3.

Mendler, *Massachusetts Conveyancers' Handbook with Forms*, §§ 11:1–11:7, Zoning.

Massachusetts Environmental Law (MCLE) § 20.3.4, Moratoriums.

Annotations

Motive of members of municipal authority approving or adopting zoning ordinance or regulation as affecting its validity. [71 ALR2d 568](#).

Validity and construction of statutory notice requirements prerequisite to adoption or amendment of zoning ordinance or regulation. [96 A.L.R.2d 449](#).

Validity and effect of “interim” zoning ordinance. [30 ALR3d 1196](#).

Adoption of zoning ordinance or amendment thereto through initiative process. [72 ALR3d 991](#).

Zoning: validity and construction of provisions of zoning statute or ordinance regarding protest by neighboring property owners. [7 ALR4th 732](#).

Zoning: what constitutes “incidental” or “accessory” use of property zoned, and primarily used, for residential purposes. [54 ALR4th 1034](#).

Zoning: what constitutes “incidental” or “accessory” use of property zoned, and primarily used, for business or commercial purposes. [60 ALR4th 907](#).

Zoning: construction and effect of statute requiring that zoning application be treated as approved if not acted on within specified period of time. [66 ALR4th 1012](#).

Hierarchy Notes:

[ALM GL Pt. I, Title VII, Ch. 40A](#)

Annotated Laws of Massachusetts
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End of Document

Planning Department
Charleen Greenhalgh/Klaine Banta
732 Main St.
Harwich, MA. 02645

Marla Menzies
321 Bank St.
Harwich, MA. 02645
Dec. 8, 2020

To members of the Planning Board, thank you for your attention.

I am Marla Menzies, 321 Bank St. and I am an abutter to the Royal.

I am requesting my comments be read aloud at the Planning Board meeting on 11/19. and 12/18/20, and made part of the public record.

I have been a resident of Harwich since 1993. I care deeply about this town and feel that Harwich has made many good decisions to preserve the character of the town, purchase and protect open space, and plan for future needs of the town. But the decision of the town to remove 2 protective zoning codes was a poor and short-sighted decision. The removal of these two codes, presented at town meeting, (billed as a few budget articles to keep the town running), in the middle of a pandemic, on a Monday morning when many were unable to attend, appear expressly designed to thwart the legal objections raised last spring at the Zoning Board and to push this project through over the concerns and objections of Harwich residents.

I am disheartened and disappointed that the Royal has come back with a second application that differs very little from the first proposal.

They did not address any of our concerns from the Zoning Board meetings last spring. These concerns were; high density on too little acreage; increased traffic; dangerous intersection; noise, light and the potential for wet land pollution; and the lack of an on-site manager/supervisor.

We, as residents and neighbors, would support a reduced number of apartments that would be less impactful on the village. But the Royal has said that would not be profitable enough for them.

I strongly urge the Planning Board to reject the application for a Special Permit for the following reasons;

1. The use as developed will adversely affect the neighborhood. The current configuration of 14 studios, 8, 1 bedroom, and 4, 2 bedroom units could potentially house anywhere from a minimum of 30 to possibly 46 or more people counting partners and/or children, on less than 1 1/2 acres of usable land, the rest being wetland. That is too many people crowded into too small a space and that ratio alone can generate its own set of tension and problems.

The volume of cars entering and exiting will create traffic noise and traffic hazards. Parallel St. is a route that is frequently used by Police, Fire, and Ambulances. Bank St. is a major connecting route to Rt.28 from 124 and Main St. and as such sees heavy truck, and residential volume many in excess of the speed limit, which increases the probability of an accident significantly.

There will be nuisance and/or hazard to vehicles and pedestrians. Stated simply, it is just too many people in too small of a space. Because the density per acreage is so much higher than the old code allowed, (30 bedrooms would have required 10 acres far more than the just less than 2 existing, and with 43 cars, not even counting visitors and deliveries), there will be significantly increased activity throughout the day and night that will negatively impact an established neighborhood in the historic village of Harwich.

Thank you for your consideration on this matter.



Respectfully submitted,
Marla Menzies

Town Planner
Town of Harwich
Planning Department
Town Hall
732 Main Street
Harwich, MA 02645

December 8, 2020

Town Planner,

We are Raymond and Jeanne Mongillo, residents at 327 Bank Street and abutters to what will be referred to in this letter as The Royal.

We are contacting you to express our frustration with the outcome of the town meeting held on September 26, 2020 at the Harwich football field. It is our understanding that during that meeting, the town approved changes resulting in approval of an amended multifamily zoning bylaw which altered acreage and density provisions in the Multifamily Residents Low Density District in Harwich Center. This change directly affects proposed modifications to The Royal.

Please note our concerns enumerated below:

- 1) We object to the lack of transparency through which this decision was arrived. As abutters, we feel we should have been provided with adequate notice that this amendment would be put to a vote in this venue. As this meeting was taken place during a pandemic, gatherings of greater than fifty people, even outdoors, was concerning. Given proper notice, ourselves, along with other Harwich residents would have made contingency plans to ensure our concerns were given voice. We feel this process was an aberration of how business is usually conducted.
- 2) We choose to reiterate that the need for affordable housing is not the primary issue in this case. Shortage of affordable housing is a local, state and national crisis. The defining issue in this case is if The Royal is an appropriate venue for a multifamily dwelling in Harwich Center. We believe it is not for the following reasons:
 - a) The owner has not identified any ties to the community and admits there will be no company representative on site to monitor disputes or disagreements among renters;
 - b) A traffic study, which was discussed at the in-person Zoning Committee Meeting to our knowledge, has never been actualized. This is concerning, as both Bank Street and Parallel Streets are exceptionally busy year-round.
 - c) While additional parking spaces have been added to the current proposal, it is our understanding that these will not be designated, creating issues for guests and renters. Parking is valuable real estate in any community and undesignated spaces often creates tension among neighbors and residents.

Creating more parking also diminishes the amount of green space available to all.

- d) Overcrowding leads to numerous negative sequela including, waste and waste management issues, vermin infestation, along with wildlife such as deer, foxes, raccoons and coyotes foraging for food. In addition, noise and air pollution are negative by-products of overcrowding.

In summary, we strongly oppose the proposed changes to convert The Royal into a multifamily dwelling in Harwich Center for the reasons outlined in this document.

We thank you for your attention to this matter and respectfully request this letter be read aloud, as well as, entered into the public record.at the next Planning Board Meeting.

Sincerely,
Jeanne M Mongillo RN BSN MPH
Raymond J Mongillo

STONE & REID
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DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

November 16, 2020

Harwich Planning Board
732 Main Street
Harwich MA 02645

RE: The Royal Apartments
328 Bank Street
Harwich MA
PB2020-26

Dear Chairman Berry & Members of the Board,

The above matter is scheduled for hearing before your Board on November 19, 2020. On behalf of the immediate abutters, David Plunkett and Gregory Winston, of 109 Parallel Street, Harwich, I wish to address the Board on several points:

First of all, the application to you is premature, in terms of the relief needed for the proposed conversion from a retirement/assisted-living facility to multi-family residences. The existing structure is non-conforming in several respects, including building setbacks from the streets, curb cuts in proximity to the intersection, parking setbacks and building height (it has a variance for the habitable third floor, ZBA # 83-39), and has been the subject of numerous prior special permits to authorize its present configuration. The applicant proposes significant interior alterations, including reconfiguring rooms and adding kitchens, the complete renovation of the smaller non-residential structure (#111 Parallel) to become four apartments, as well as site alterations, to convert it to the apartments to be offered for multi-family residential use. Massachusetts General Laws provides that whenever such a pre-existing non-conforming structure is proposed

* Each Attorney in this office is an independent practitioner
who is not responsible for the practice or liabilities of any
other attorney in the office. Rule 7.5 (d)

to be “altered...to provide for a substantially different purpose” such conversion must be authorized under the local bylaw and must first receive the approval of the alterations from the Board of Appeals. (Chapter 40A section 6). “Alteration”, for this purpose, need not be structural alterations or even physical enlargement of the structure in order to trigger this requirement, and the requirement of the ZBA approval applies even if the conversion is to a permitted use. (See #1 attached excerpt from the Handbook of Massachusetts Land Use and Planning Law) So, even if the new use were authorized, by special permit, under the recent zoning amendment, the conversion may not be made without at least a special permit from the Board of Appeals, due to the physical non-conformities of the existing structure.

Secondly, the application seeks relief based on Bylaw section 325-51 Q. This new section was passed at the Town Meeting of September 26, 2020. That section amended several provisions of the existing zoning bylaw, and would now permit this application to approve the proposed multi-family use by special permit from your board. Unfortunately, this application is premature as to this bylaw, as that amendment is not yet in effect. As the Planning Board is aware, any zoning enactment must be submitted to the office of the Attorney General for approval following the town meeting vote, pursuant to General Laws Chapter 40 section 32. (See #2 attached) The provisions of section 32 state “before a by-law takes effect it shall be approved by the attorney general...” . My correspondence with the Attorney General’s office, the Municipal Law Unit, dated November 3, 2020, indicates that the office’s review of the bylaw has not been completed (#3 copy attached). Therefore this amendment (section 325-51 Q) is not yet “in effect” and can not be the basis for granting of the relief requested. As of this date, the use of the site is governed by the existing bylaw, that does not contain section 325-51Q (but does contain the requirement of 10 acres for any multi-family use and separation of 1500 feet from any other such use).

When, at some later date, you are able to reach the merits of this application, I suggest that the proposed development before you does not meet the standards of this bylaw and may not be granted as proposed:

1) Section 325-41 Q paragraph 5 of the criteria for the grant of a special permit for this multi-family use states in part:

“The number of multifamily dwelling units shall be determined by the ability to place...required parking per number of units and landscaping on the site pursuant to Article IX, Off-Street Parking and Loading

Requirements.”

The board may approve the density of units based upon the site’s capacity to contain conforming parking required for that number of units.

The applicant seeks to justify 26 units based on 43 parking spaces (though the bylaw would require a minimum of 41). However, not all of those spaces conform to the bylaw’s requirements. By my estimation, at least 23 of the spaces fail to comply with the 50’ setback from the property lines that is required by Article IX. (See #4 : Plan with approximate setbacks added). Some of the proposed spaces are locate in existing parking areas, but all four parking areas are expanding or creating new non-conforming parking, in each case getting even closer to the front and side property lines than the bylaw permits. These spaces therefore do not conform to “Article IX” and may not be used to justify the full compliment of units now requested. We also do not believe that the overall parking lot conforms to the requirements of section 325-43 (C), Landscaping Requirements, that mandates that parking areas containing 5 or more spaces contain or be bordered within 5 feet of the spaces by at least one tree within a 90 square foot unpaved planting plot. No such plots and trees are shown on the landscaping plan, particularly in the south easterly area of the rear parking. Nor does the parking lot contain within its interior area “landscaped islands” of at least 10% of its area, as required by Section 325-43 (D) of Article IX. (#5 - copy attached)

2) In addition, we suggest that the applicant’s Zoning Compliance analysis (see Applicant’s Sheet C 2.1.1) is not entirely accurate and itself reveals why this application is not ripe for consideration.

a) It is worth noting that the zoning comparison chart, in addition to listing the dimensional requirements of the MRL zone, also sets forth the dimensional requirements for the Harwich Center Overlay District, as to which the Planning Board is the Special Permit granting authority. However, the application before you does not seek relief under the optional overlay district bylaw, section 325-51 O, so these lesser standards available within such relief do not apply to this proposal. We also contend that while the Overlay District bylaw allows for reduction of “Building Setbacks”, but does not excuse compliance with the Parking and Landscape requirements of Article IX. The Overlay District appearing in Article X, section 325-51, entitled “Special Permits”, paragraph O (2) (b), recites that the applicable requirements for “building setbacks” are contained in paragraph O(5), which would allow building setbacks as little as 10 feet. (See #6

attached) But this does not relieve the applicant from compliance with the parking lot setbacks, set forth in section 325-42(L). There is simply no mention in the overlay district bylaw of any relief from the Parking and Landscaping standards of Article IX. To the contrary, section 325-41 Q 5, upon which the applicant's entire request relies, expressly links the density of the multifamily development to compliance with the Parking and Landscape standards of "Article IX", so these standards are obviously still intended to apply.

b) The applicant's zoning compliance chart also incorrectly states that there are no changes to the existing Side and Street Parking Setbacks. As discussed above, there are increased and/or new encroachments into the 50 foot setbacks in all of the four parking areas. Along Bank Street, the new parking space would be only 12 feet from the street line. At the Parallel Street entrance, the parking spaces are extended out to only 10 feet from the street, where something more than that setback presently exists (though not separately labeled on the plan). Along the westerly sideline, the parking lot is being extended to the south, making its southerly most corner at least marginally closer to the side line than at present (though again not separately labeled on the plan). And along the southeasterly sideline, new parking spaces are created within the setback. We again suggest that the applicant incorrectly seeks to apply the Overlay District's reduced 10 foot "Building Setback" to override the Parking lot design standards and requirements of Article IX, section 325-42 (L), which remains at 50 feet.

3) The application before you also seeks a Special Permit under the Site Plan Approval bylaw, section 325-51. Integral to that approval is the determination that what is proposed conforms to the requirements of the zoning bylaw. As discussed above, the proposed development does not so conform, in several respects. In addition to these non-conformities, we suggest that the "new" non-conforming features also require a variance. In particular, the encroachment of the parking lot into the required 50 foot setback to the southeast creates a non-conforming situation where no non-conformity presently exists. Similarly, the addition of a parking space along Bank Street creates a new non-conformity in its setback deficiency. The court decision in the case of *Rockwood v. The Snow Inn*, made clear that any alteration or extension of an existing commercial development (i.e. other than a single- of two-family home) must conform to current bylaw requirements, even if the pre-existing structure or site were grandfathered. (See #7 excerpt) Any such extensions or alterations that would not conform would need a variance. The more recent decision of *Deadrick v. The Board of Appeals of Chatham* again made clear that even if the pre-existing non-conforming site were eligible to alter or extend its "existing" non-conformities by Special Permit, that

did not authorize the creation of “new” or “additional” non-conformities where none previously existed. (See #8 - excerpt) Such new or additional non-conformities still need a variance and not just a special permit. So to the extent that this proposal creates any new non-conformities, they may not be approved absent a new variance from the ZBA. As such, they ought not be approved by this Board, at this time.

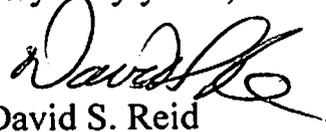
4) Finally, we contend that the special permits sought should not to be granted, on their merits, as the applicant can not demonstrate that the proposed change of use will not “adversely affect the neighborhood”. (Section 325-51 A 1 a) . Under the applicant’s proposal, the interior of both buildings would be completely reconfigured in order to serve a completely different purpose. There is no similarity between the prior use and the proposed use in terms of its function and resulting impact on the community. The previously authorized use, as a low-level retirement and assisted-living housing site, was by all accounts a relatively passive, benign use of the site. Senior residents rarely had cars, had few visitors and rarely left the grounds. They did not make daily trips to work, shopping, post office, school, the dump, and social events. Their meals and needs were met internally by the limited staff provided. By contract, the proposed use would house active individuals and perhaps small families, and requires the creation of additional parking spaces for its workforce occupants, who will undoubtedly be coming and going through out the day and night. The prior use was authorized with only 14 parking spaces needed to meet the demands of its occupants and staff. The present use proposes 43 parking spaces to meet the needs of its occupants; 300% of the prior parking demand. Clearly the use is significantly different from what existed before and its impact of the neighborhood will proportionately greater as well.

The very existence and progressive enlargement of this structure over the years (each with approval of the Board of Appeals) were predicated on the repeated findings of the Board of Appeals that its use was sufficiently passive and low impact as to not be substantially more detrimental to the neighborhood. The additions to the original Inn were allowed but without kitchens, so as to remain an Inn, not a multi-family use. (ZBA Decision #84-55). When the owners proposed to add efficiency kitchens to several of the retirement units, this was met with neighborhood opposition and resistance from the Board due to the concern that what was proposed was becoming a multi-family use, and the application was withdrawn. (ZBA decision #85-52). The smaller building at 111 Parallel Street was never a residence within the assisted-living use, and is now proposed to house 4 residential units. The applicant cites this series of decisions and expansions as a

basis for now approving the conversion to all year round multi-family use, when in fact these decisions make clear that that was exactly what the Boards over the years were trying to avoid and did not want to happen.

We urge you to deny this application, for the protection of the neighborhood.

Very truly yours,

A handwritten signature in black ink, appearing to read "David S. Reid", written in a cursive style.

David S. Reid

CC: Benjamin Zehnder, Esq.

HANDBOOK OF MASSACHUSETTS LAND USE AND PLANNING LAW

Zoning, Subdivision Control, and
Nonzoning Alternatives

Fourth Edition

Mark Bobrowski



Wolters Kluwer

[2] Alteration of Structure for Substantially Different Purpose

Any change to a nonconforming structure that amounts to "alteration . . . to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent" requires a finding or special permit pursuant to the second sentence of Mass. Gen. L. ch. 40A, § 6, ¶ 1, assuming that the ordinance or bylaw authorizes such change. An "alteration" is conceptually a lesser change than "reconstruction, extension or structural change."⁸³ For example, the Appeals Court has found interior change to constitute an "alteration."⁸⁴

The leading case discussing this type of modification is *Nichols v. Board of Zoning Appeal of Cambridge*.⁸⁵ The plaintiffs obtained a building permit to renovate a preexisting nonconforming garage and convert it into a home office. The existing footprint of the structure was unchanged. The Cambridge ordinance in question tracked the language of 1954 Mass. Acts 368, § 5.⁸⁶ The Appeals Court held that the relevant ordinance applied when "a nonconforming structure is altered to provide for a use different from the use prior to alteration . . . even if the new use is a permitted one."⁸⁷

Thus, *Nichols* stands for the proposition that any alteration to a nonconforming structure that leads to a change of use, if authorized locally, requires a finding or a special permit.⁸⁸ The requirement applies whether the change is from a nonconforming to a permitted use, or from a permitted to another permitted use. In applying the criterion for a finding or special permit to such alterations, proper considerations include whether the footprint of the structure has been changed,

The board could properly have allowed an extension of the nonconforming use up to the setback lines under the exception. However, when it permitted the extension beyond the very precise setback requirements contained in the ordinance it exceeded its authority. . . . Any extension beyond the setback lines constitutes a variance from the ordinance, and must be sought under the variance procedure . . . and not by way of a special permit. . . .

The *Wrona* rationale should equally apply where a nonconforming structure already violates setback requirements, and a further encroachment into a yard is proposed. Such expansion would not be in compliance with local zoning, as required by *Rockwood*.

⁸³ See § 6.05[A][1].

⁸⁴ See *Nichols v. Bd. of Zoning Appeal of Cambridge*, 26 Mass. App. Ct. 631, 634 (1988). The changes in *Nichols* were all to the facade or the interior of the building. *Id.* at 632 n.2.

⁸⁵ 26 Mass. App. Ct. 631 (1988). See also *Davis v. Zoning Bd. of Cohasset*, 52 Mass. 349, 355 (2001); *Cellucci v. Bd. of Zoning Appeal of Cambridge*, Misc. Case No. 157471 (Land Ct. 1993).

⁸⁶ As noted in § 6.02, there is no substantive difference between the older statute and current Mass. Gen. L. ch. 40A, § 6, ¶ 1 on this point. Thus, when a local regulation incorporates the language of Mass. Gen. L. ch. 40A, § 6, ¶ 1, *Nichols* should apply.

⁸⁷ *Nichols*, 26 Mass. App. Ct. at 633-634.

⁸⁸ *Id.* at 634. For a discussion of "change of use," see § 6.04.

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title VII. Cities, Towns and Districts (Ch. 39-49a)
Chapter 40. Powers and Duties of Cities and Towns (Refs & Annos)

M.G.L.A. 40 § 32

§ 32. Validation of by-laws; procedure

Effective: October 18, 2000

Currentness

Except to the extent that a zoning by-law may take effect as provided in section five of chapter forty A, **before a by-law takes effect it shall be approved by the attorney general** or ninety days shall have elapsed without action by the attorney general after the clerk of the town in which a by-law has been adopted has submitted to the attorney general a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with. Such request and proof shall be submitted by the town clerk within thirty days after final adjournment of the town meeting at which such by-law was adopted. If the town clerk fails to so submit such request and proof within such thirty days, the selectmen, within fifteen days thereafter, may submit a certified copy of such by-law with a request for its approval, a statement explaining the proposed by-law, including maps and plans, if necessary, and adequate proof that all procedural requirements for the adoption of such by-law has been complied with. If the attorney general does not, within said ninety days, request of such town clerk in writing further proof of such compliance stating specifically wherein such proof is inadequate, it shall be presumed that the proof submitted was adequate. If the attorney general disapproves a by-law he shall give notice to the town clerk of the town in which the by-law was adopted of his disapproval, with his reasons therefor. If a by-law of a town takes effect by reason of the failure of the attorney general to seasonably act upon a request for its approval, the clerk of such town shall enter in his records a statement that the by-law has become effective by reason of such failure of the attorney general to act. **Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of**

general circulation in the town. The publication of a zoning by-law shall include a statement that claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting or of the second publication and a statement indicating where copies of such by-law may be examined and obtained. The requirements of publishing in a town bulletin or pamphlet and posting, or publishing in one or more newspapers, as above, may be dispensed with if notice of the by-laws is given by delivering a copy thereof at every occupied dwelling or apartment in the town, and affidavits of the persons delivering the said copies, filed with the town clerk, shall be conclusive evidence of proper notice hereunder. This section shall not apply to cities.

Notwithstanding the provisions of the preceding paragraph, if the attorney general finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to form or content of the notice of the planning board hearing prescribed in section 5 of chapter 40A, or to the manner or dates on which said notice is mailed, posted or published as required by said section 5, then instead of disapproving the by-law or amendment because of any such defect, the attorney general may proceed under the provisions of this paragraph. If the attorney general so elects, written notice shall be sent to the town clerk within a reasonable time setting forth with specificity the procedural defect or defects found, including a form of notice thereof, whereupon the running of the 90-day period provided for the attorney general's review pursuant to this section shall be suspended. The town clerk shall forthwith post the notice in a conspicuous place in the town hall for a period of not less than 14 days, and shall publish it once in a newspaper of general circulation in the town. The notice shall state that any resident, the owner of any real property in the town, or any other party entitled to notice of the planning board hearing, who claims that any such defect was misleading or was otherwise prejudicial may, within 21 days of the publication, file with the town clerk a written notice so stating and setting forth the reasons supporting that claim. Forthwith after the expiration of said 21 days, the town clerk shall submit to the attorney general either (a) a certificate stating that no claim was filed within the 21 day period, or (b) a certificate stating that one or more claims were filed together with copies thereof. Upon receipt of the town clerk's certificate, the 90-day period provided for the attorney general's review pursuant to this section shall resume; but if the expiration of the 90-day period is less than ten days from the date on which the town clerk's certificate was received, then the review period shall be extended to the tenth day following such receipt. If no claim was made, the attorney general may waive any such defect; but, if any claim is made then the attorney general may not waive any such defect. However, by not filing a claim under this paragraph, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment as provided in this section and in section 5 of chapter 40A.

Notwithstanding the provisions of the first paragraph of this section, the attorney general and the town counsel may, by an agreement in writing setting forth the reasons therefor and filed with the

town clerk before the end of the 90-day period, extend the 90-day period provided for the attorney general's review pursuant to this section for not more than an additional 90 days.

Credits

Amended by St.1933, c. 185, § 1; St.1941, c. 520, § 1; St.1952, c. 337; St.1967, c. 97; St.1967, c. 308; St.1975, c. 808, § 1; St.1981, c. 38; St.2000, c. 299.

Notes of Decisions (48)

M.G.L.A. 40 § 32, MA ST 40 § 32

Current through Chapter 113 of the 2020 Second Annual Session of the General Court.

End of Document

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David S. Reid

From: Bylaws (AGO) [bylaws@state.ma.us]
Sent: Tuesday, November 3, 2020 9:31 AM
To: David S. Reid
Subject: RE: Harwich Zoning Bylaw ?

Hello Mr. Reid

We have received a bylaw submission packet from Harwich from the September 26, 2020 Annual Town Meeting. It is assigned our case # 9935 and our deadline for review is January 12, 2021. At this time, we are still in the process of our review of the bylaws submitted from the Town.

Sincerely,
Nicole Caprioli
Assistant Attorney General
Municipal Law Unit

From: David S. Reid <dsreid@verizon.net>
Sent: Tuesday, November 3, 2020 9:20 AM
To: Bylaws (AGO) <Bylaws@MassMail.State.MA.US>
Subject: Harwich Zoning Bylaw ?

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Good morning,
I am looking to see if you have approved of the zoning bylaw amendments passed by the Town of Harwich on September 26, 2020, in particular Article 22, Multi-family housing ?

David S. Reid, Esq.
1292 Rte. 28
South Yarmouth, MA 02664-4452
508-394-5648 FAX 508-398-1699

- - Confidentiality Notice & Disclaimer- -

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Town of Harwich, MA
Monday, November 9, 2020

Chapter 325. Zoning

Article IX. Off-Street Parking and Loading Requirements

§ 325-37. Objective.

It is the intent of this article that adequate off-street parking and loading shall be provided to serve all parking demand created by new construction, whether through new structures or additions to existing ones or through change of use which creates higher parking demand.

§ 325-42. Design requirements.

[Amended 5-8-2012 STM by Art. 5]

Unless otherwise expressly authorized by the Planning Board through site plan review approval, all parking and loading areas shall be subject to the design requirements of this section.

- A. A parking area or loading area shall be designed to provide for adequate backing and turning movements for the type of vehicle being maneuvered and to eliminate the need to back a vehicle out onto any public or private street or way, except that single-family residences and single-family residences with accessory apartments which front on other than a state-maintained and/or designated roadway may provide for backing out of vehicles.
- B. The area and access driveways thereto shall be graded and drained so as to dispose of on site all surface water accumulation on the site.
- C. A substantial bumper of masonry, steel or heavy timber or a concrete curb or berm or curb which is backfilled shall be placed at the edge of paved parking areas, except driveways, in order to protect abutting structures, properties and sidewalks.
- D. Any fixture used to illuminate a parking area shall be so arranged as to direct light away from the street and away from adjoining properties used for residential purposes.
- E. There shall be no commercial repair of motor vehicles within the required parking or loading area.
- F. There shall not be any storage of materials or equipment or display of merchandise within the required parking or loading area. In addition, there shall be no placement of outdoor seating within the required parking or loading area.

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- G. For any multifamily, commercial or industrial parcel of land, there shall be no more than two driveways per roadway frontage.
- H. Any entrance or exit driveway for a single- or two-family residential use shall not exceed 24 feet in width at its intersection with the front lot line. For any multifamily, commercial or industrial use, any entrance or exit driveway shall not exceed 50 feet in width when measured in the aforesaid manner. Should a driveway for a multifamily, commercial or industrial use require a width in excess of 50 feet, justification for this increase in width shall be provided by the applicant to the Planning Board for review, approval or denial as part of the site plan review process. Notwithstanding the foregoing, in any case where state regulations or requirements mandate a different driveway width or location, the provision of said regulations or requirements shall govern and supersede this provision. The radius of the access drive at the road shall be 25 feet. The radius of any access road shall not extend beyond the property line of the property which it serves. The minimum distance between the side lines of such drives and the side lines of any intersecting street and any other street access drive, measured between where such street and driveway side lines intersect the adjacent street line, shall be as follows:^[1]

Types of Drive	Minimum Distance (feet)		
	From Intersecting Streets	From Other Drives	From Side Lot Line
Drives serving a dwelling	50	20	—
Drives serving a hotel or motel	50	50	—
Drives serving other permitted principal structures/uses in a			
Residential district	50	50	10
Commercial district	50	50	10
Industrial district	50	50	10

[1] *Editor's Note: This subsection was amended 2-5-2009 STM by Art. 18.*

- I. No parking spaces shall be established in the right-of-way of any road or way, except that the Town of Harwich may establish on-street parking spaces in accordance with the applicable provisions of state law.
- J. Parking and loading areas shall be graded, surfaced with a nondusting material, drained and suitably maintained to the extent necessary to avoid the nuisance of dust or erosion. The parking lot shall be designed such that no surface water is allowed to flow onto streets or adjoining property. Access drives serving unpaved parking areas shall be constructed with a paved apron meeting the minimum construction requirements described below. Said apron shall extend from the paved road edge to the street line. Paved or unpaved parking areas containing more than five spaces shall conform to construction requirements as follows:
 - (1) Base: two feet of frost-free material.
 - (2) Subbase: four inches of gravel as the subbase plus two inches of processed stone.
 - (3)

Pavement: a minimum depth of asphalt composed of a binder course of 1 1/2 inches plus a one-inch top course after rolling or compacting.

- (4) For all parking areas of five or more parking spaces, drainage systems serving the parking and vehicular access areas shall be designed in accordance with the Rational Method, or equivalent, based on a twenty-five-year storm frequency.
- (5) Calculations shall be made by using topographic maps for the entire drainage area, including those areas outside the site plan area. Copies of all drainage calculations shall be submitted with the site plans. Percolation tests shall be required at all proposed drainage locations (leaching areas). Subsurface leaching systems shall be utilized meeting the current Planning Board Subdivision Rules and Regulations standards.^[2]

[2] *Editor's Note: See Ch. 400, Subdivision of Land and Site Plan Special Permits.*

- (6) In addition, all paved parking areas containing more than five spaces shall utilize a system of absorbent pillows or similar device to absorb vehicle fluids in runoff. This system will be maintained twice a year, with written proof of maintenance provided to the Planning Board.

K. Parking areas for passenger vehicles shall typically be laid out to meet the following design criteria:

Angle	Space Width (in feet)	Space Length (perpendicular to aisle)	Aisle Width (feet)	Total Width (feet)
45°	9	17.5	15	50
60°	9	19	18	56
90°	9	20	24	64

- (1) The above chart is for parking areas with double-loaded aisles. For single-loaded aisles, subtract the space length from the total width. Aisle widths for 45° and 60° are for one-way directional flow patterns.
- (2) The Board, at its discretion, may allow the use of a maximum two-foot overhang strip as part of the space length. This strip shall be solely designated for the purpose of vehicular parking and shall not be part of any walkway, planting area or front or side yard indicated in § 325-41B.

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

Parking Setbacks¹

Zone	(feet)		
	Street	Side Line	Rear
RR, RM, RL, RH-1, RH-2 and RH-3	20	10	10
CV, CH-1 and CH-2	20	10	10

Parking Setbacks¹

Zone	(feet)		
	Street	Side Line	Rear
IL	15	5	5
MRL and MRL-1	50	50	50

Notes:

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

§ 325-43. Landscape requirements.

Unless otherwise authorized by the Planning Board on special permit under the site plan provision of this bylaw, all parking areas containing over five spaces, including automobile service and drive-in establishments, shall be either contained within structures or subject to the following:

- A. The parking area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any residential district or any lot used for residential purposes. The screening shall consist of a solid fence or wall not less than three feet nor more than six feet in height or a planting screen which shall be composed of shrubs which are planted in such a manner so as to effectively screen the parking area from view of the adjoining residential lot or lots. Such shrubs shall be evergreen varieties which are no less than three feet in height upon planting. Either type of screening shall be at least two feet from a non-street line and 15 feet from any street lot line and all maintained in good condition. All planted materials shall be maintained in such a manner so as not to create an obstruction to motorists' vision of traffic and pedestrians.
- B. Parking areas containing more than five spaces shall include or be bordered within five feet of the spaces by at least one tree of three-inch caliper, measured six inches off the ground, for each five spaces. Trees within a parking area shall be in curb- or berm-protected plots of at least 90 square feet per tree. No such protective plot shall be paved with any impervious material.
- C. At least 10% of the interior area of any parking area containing 20 or more parking spaces shall consist of landscaped islands which shall be composed of shrubs and trees and other landscaping materials. The interior area of a parking area shall be derived by computing the area within the general perimeter of contiguous area containing parking spaces, maneuvering areas behind the spaces and landscaping areas within such perimeter, except that required parking setback areas and required buffers shall not be included in the interior area computation.

Town of Harwich, MA
Monday, November 9, 2020

Chapter 325. Zoning

Article X. Administration and Enforcement

§ 325-51. Special permits.

[Amended 5-4-2010 STM by Art. 8; 5-3-2011 STM by Art. 24]

The Board of Appeals shall have authority to hear and decide applications for all changes, alterations, or extensions of a nonconforming structure or use that require a special permit and for certification of continuance of existing dwellings under § 325-51P. The Planning Board shall have authority to hear and decide all other applications for special permits. Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Board of Appeals or the Planning Board, a copy of which shall forthwith be given to the Clerk by the applicant, and all notices and other requirements provided by the Zoning Act shall govern said hearing.

A. Conditions of approval.

- (1) The Board of Appeals or Planning Board shall not approve any application for a special permit, except a special permit for a site plan, unless it finds that in its judgment all of the following conditions are met:
 - (a) The use as developed will not adversely affect the neighborhood.
 - (b) The specific site is an appropriate location for such a use, structure or condition.
 - (c) There will be no nuisance or serious hazard to vehicles or pedestrians.
 - (d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayments.
- (2) The permit granting authority may require the applicant to submit professionally prepared documentation of the environmental, traffic or other impacts of a particular project or project element in order to determine compliance with these general conditions.

- #### B. In approving a special permit, except a special permit for a site plan, the Board of Appeals or Planning Board may attach such conditions and safeguards as are deemed necessary to protect the public and the neighborhood, such as but not limited to the following:

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- (2) For each mixed-use development, there shall be a minimum of 5,000 square feet of lot area per residential unit in the Commercial Village (C-V) District and a minimum of 10,000 square feet of lot area per residential unit in all other permitted districts. Applications for mixed-use development shall also comply with the Board of Health regulations.

[Amended 5-5-2015 STM by Art. 3]

- (3) The parking shall comply with the requirements of Article IX, Off-Street Parking Regulations.
- (4) There shall be an outdoor landscaped public area provided as part of the landscaping requirement.
- (5) Special permit applications shall comply with the requirements of § 325-55, Site plan approval.
- (6) Screening of parking shall comply with the provisions of § 325-43.

N. Two-family dwelling. Special permits for two-family dwellings may be granted upon a determination by the Planning Board that the following additional criteria have been met:

- (1) The lot area shall contain a minimum of 40,000 square feet of contiguous upland in all applicable zoning districts; however, in the Drinking Water Resource Protection District (WR) the minimum lot area shall be 60,000 square feet of contiguous upland.
- (2) The floor area for each dwelling unit shall be a minimum of 800 square feet.
- (3) A common roof or a series of roofs shall connect the dwelling units.
- (4) There shall be two off-street parking spaces per each unit.

O. Harwich Center Overlay District.

- (1) Purpose. The Harwich Center Overlay District enables the development and redevelopment of Harwich Center to be in keeping with its historic development patterns, including the size and spacing of structures and provision of open space. The redevelopment of existing structures will encourage them to come into compliance with current plumbing, electric and building codes, as well as the latest fire and handicapped access regulations. Agencies involved with historic preservation will be encouraged to make recommendations on proposed development or redevelopment.
- (2) Scope.
 - (a) Within the Harwich Center Overlay District, only property that is currently within the Commercial - Village (CV) Zoning District in Harwich Center is permitted to utilize this section, with the following two exceptions: property located on the southeast corner of the intersection of Sisson Road and Parallel Street just east of Forest Street, currently shown on Assessor's Map 40 as Parcel Z5, and the parcel located at the southwest corner of the intersection of Bank Street and Parallel Street, currently shown on Assessor's Map 41 as Parcel N4, are also permitted to utilize this section. All property owners, including the Town of Harwich, are required to locate the majority of

structures on the street frontage portion of the property and to locate parking, septic and open space to the rear of the property.

- (b) The dimensional requirements, including building setbacks, maximum site coverage and heights of these structures, are outlined in Subsection O(5) of this section.
 - (c) This bylaw is intended to be used in conjunction with other regulations of the Town, including site plan review and other bylaws designed to encourage appropriate and consistent patterns of village development.
 - (d) Applicants, with the approval of the Board of Health, and other agencies as required are encouraged to utilize new and improved technologies for septic treatment and stormwater drainage purposes.
- (3) Location. The Harwich Center Overlay District is shown on the following map: Harwich Center Overlay District, October 2003, prepared by the Town of Harwich Planning Department. The Harwich Center Overlay District is bounded on the south by Parallel Street from Bank Street to Sisson Road, but including the parcel on the south side of Parallel Street at Bank Street (also shown on Harwich Assessor's Map 41 as Parcel N4) and the parcel on the south side of Parallel Street at Sisson Road (also shown on Harwich Assessor's Map 40 as Parcel Z5); the district is bounded on the west by Sisson Road, Route 39 (Main Street) and Route 124 (Pleasant Lake Avenue); the district is bounded on the north by Old Colony Way to the west boundary line of Parcel C4-B, on Assessor's Map 41; the district is bound on the east by the west boundary line of Parcel C4-B, on Assessor's Map 41, and the east boundary line of the Town of Harwich owned land (Parcel C302 and C5, on Assessor's Map 41) and Bank Street to the southeast corner of Parcel N4 at Bank Street.
- (4) Procedure.
- (a) The Planning Board shall serve as the special permit granting authority for developments within the Harwich Center Overlay District.
 - (b) Prior to the submission of an application for special permit under this bylaw, the applicant may meet with the Planning Board at a public meeting for a preapplication conference to discuss the proposed development in general terms and establish the plan filing requirements. The Planning Board shall schedule a meeting for a preapplication conference following a written request from the applicant, inviting preliminary comments from the Board of Health, Conservation Commission, and any other interested officials or agencies. The purpose of this preapplication conference is to inform the Planning Board as to the nature of the proposed project. As such, no formal filings are required for the preapplication conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall concept of the proposed project and its relationship to abutting properties.
 - (c) Special permit applications shall comply with and be subject to the requirements of § 325-55, Site plan approval.
- (5) Dimensional requirements.

(a) Setback requirements:

[1] Front setback requirements shall be determined at the time of site plan review based on existing development patterns and the elements of the proposed project.

[2] Side lot line setback shall be 10 feet.

[3] Rear lot line setback shall be 10 feet.

(b) Parking shall be permitted at the side or rear of the property.

(c) Maximum site coverage shall not exceed 80%.

(d) The maximum permitted height for new constructions shall not exceed 30 feet or 2 1/2 stories.

(e) Minimum lot size shall be 15,000 square feet.

[Added 5-5-2015 STM by Art. 4^[5]]

[5] *Editor's Note: This article also provided for the redesignation of former Subsection O(5)(e) as Subsection O(5)(f).*

(f) The Board may waive or modify these dimensional requirements if it finds 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) Uses. Uses permitted by right or special permit for the underlying zoning district remain. However, the following additional uses are allowable by special permit in the Harwich Center Overlay District, provided that all other zoning requirements herein are met:

(a) Inn.

(b) Bed-and-breakfast.

P. Certification of dwelling units.

(1) An accessory apartment or any dwellings in existence on the effective date of this bylaw that were not in compliance with existing zoning when constructed may be granted a special permit from the Board of Appeals to allow the use to continue, provided that any unit (either the main or accessory unit or a number of units equal to the number not permitted) is deed restricted to remain affordable as defined by the Department of Housing and Community Development for a period of 20 years and that the Board of Appeals finds that the issuance of the special permit will not be detrimental to the neighborhood. Prior to appearance before the Board of Appeals, the dwelling in question must be inspected and found to comply with all building codes and Board of Health regulations.

(2) For the purpose of this section, any accessory apartment or dwelling being brought up to code within 60 days of the discovery of the violations will remain eligible for a special permit. Once the violations are corrected, if zoning violations are also present, an application for a special permit to the Board of Appeals is required, pursuant to Subsection I above.

Rockwood v. Snow Inn Corp.

Supreme Judicial Court of Massachusetts

October 3, 1990, Argued ; February 20, 1991, Decided

No. 5363

Reporter

409 Mass. 361 *; 566 N.E.2d 608 **; 1991 Mass. LEXIS 86 ***

GEORGE I. ROCKWOOD, JR., & others ¹
v. THE SNOW INN CORPORATION &
another ²

LexisNexis® Headnotes

Subsequent History: As Corrected March
26, 1991.

Prior History: [***1] Suffolk.

Civil action commenced in the Land Court
Department on March 28, 1988.

The case was heard by *Marilyn M. Sullivan*,
J.

The Supreme Judicial Court granted a
request for direct appellate review.

Disposition: *Judgment reversed.*

Core Terms

low water mark, by-law, nonconforming,
Ordinance, sea, tide, low water, ebb,
structures, coverage, Colonial, flats,
requirements, detrimental, conditions,
neighborhood, changes, causes, zoning,
special permit, lowest level, extensions,
cases, zoning ordinance, high water mark,
percent, Pre-existing, buildings, low-water,
ownership

Business & Corporate
Compliance > ... > Real Property
Law > Zoning > Nonconforming Uses

Real Property Law > Zoning > General
Overview

Business & Corporate
Compliance > ... > Real Property
Law > Zoning > Ordinances

Business & Corporate
Compliance > ... > Real Property
Law > Zoning > Variances

HNI[↓] Zoning, Nonconforming Uses

Mass. Gen. Laws ch. 40A, § 6 provides:
Except as hereinafter provided, a zoning
ordinance or by-law shall not apply to
structures lawfully in existence before the
first publication of notice of the public
hearing (concerning the adoption of a
proposed zoning ordinance or by-law)
required by Mass. Gen. Laws ch. 40A, § 5,
but shall apply to any reconstruction,
extension or structural change of such
structure except where reconstruction,

¹ Bancroft R. Wheeler, Bruce Steere, and Susan Davis Brown.

² The board of appeals of Harwich.

feet.

The zoning by-law requires that [***3] the buildings must not cover more than fifteen per cent of the Snow Inn lot. The lot is bounded on one side by the Atlantic Ocean (Nantucket Sound). If the lot is deemed to extend to the "extreme low water mark," as that term is used in modern tidal charts, that is, to reflect the lowest level ever reached by the sea at that location, the percentage of the lot that would be covered [*363] by buildings after completion of the project would be less than fifteen per cent, thus complying with the lot coverage requirement of the by-law. However, if the lot is deemed to extend no further than either the "mean low water mark," that is, a line established by an average of the low tides, or "the line of extreme low water shown at an ebb of the tide, resulting from usual causes and conditions," *East Boston Co. v. Commonwealth*, 203 Mass. 68, 72 (1909), the percentage of lot coverage as a result of the proposed changes and extension would exceed fifteen per cent and thus would fail to comply with the by-law's lot coverage requirement.

HNI[☞] General Laws c. 40A, § 6, provides in relevant part: "Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures . . . lawfully [***4] in existence . . . before the first publication of notice of the public hearing [concerning the adoption of a proposed zoning ordinance or by-law] required by section five, but shall apply . . . to any reconstruction, extension or structural change of such structure . . . except where . . . reconstruction, extension

or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended . . . provided, that no such extension . . . shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such . . . extension . . . shall not be substantially more detrimental than the existing nonconforming use [4] to the neighborhood." We conclude, [*364] apparently differently from the trial judge, that the first sentence of the quoted portion of *HN2*[☞] § 6 requires that, in the absence of a variance, any extension or structural change of a nonconforming structure must comply with the applicable zoning ordinance or by-law. Then, if the proposed extension or change conforms to the by-law, the [***5] second quoted statutory sentence requires for project approval a finding that the extension or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structures. If the first and second sentences are read together, the statute permits extensions and changes to nonconforming structures if (1) the

⁴In *Willard v. Board of Appeals of Orleans*, 25 Mass. App. Ct. 15, 21 (1987), the Appeals Court construed the second quoted portion of c. 40A, § 6, as though it expressly said: "Pre-existing nonconforming structures or uses may be extended . . . provided, that no such extension . . . shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such . . . extension . . . shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood" (emphasis in original). The Appeals Court supplied the words "structure or" "in order to render [G. L. c. 40A, § 6] intelligible and so effectuate its obvious intent." *Id.*

Deadrick v. Zoning Board of Appeals of Chatham

Appeals Court of Massachusetts

April 2, 2014, Argued; June 25, 2014, Decided

No. 13-P-1264.

Reporter

85 Mass. App. Ct. 539; 11 N.E.3d 647; 2014 Mass. App. LEXIS 75; 2014 WL 2853590

SARA DEADRICK¹, & others² vs. ZONING BOARD OF APPEALS OF CHATHAM, & OTHERS³

Subsequent History: Appeal denied by *Deadrick v. Zoning Board of Appeals of Chatham, 2014 Mass. LEXIS 738 (Mass., Sept. 5, 2014)*

Prior History: [***1] Suffolk. CIVIL ACTION commenced in the Land Court Department on December 31, 2007.

Following review by this court, *80 Mass. App. Ct. 1104 (2011)*, the case was heard by *Alexander H. Sands, III, J.*, on motions for summary judgment and a motion for reconsideration was heard by him.

Hallock v. Chatham Zoning Bd. of Appeals, 2013 Mass. LCR LEXIS 30 (2013)

Core Terms

nonconforming, special permit, new structure, by-law, zoning, height, variance, pre-existing, structures, Appeals, exemption, residential structure, substantial detriment, alteration, requires, appeals board, setback, summary judgment, neighborhood, feet, applicability, second sentence, reconstruction, detrimental, intensify, excepting clause, plaintiffs', footprint, ordinance, appears

Case Summary

Overview

¹ Individually and in her capacity as executor of the Estate of Mary Ann Hall Deadrick.

² Stuart Hall Deadrick, Spencer Hall Deadrick.

³ Robert Jeffrey Chandler and Jayne Kerry Chandler.

HOLDINGS: [1]-The first and second sentences of *Mass. Gen. Laws ch. 40A, § 6*, construed together, allowed the extension of existing nonconformities upon a showing of no substantial detriment, but required a variance for the creation of any new nonconformity; [2]-If an applicant's new structure was ineligible for the Chatham, Mass., By-law § IV.A.3 exemption, it required a variance; [3]-The board did not consider the applicability of § IV.A.3 to the new structure in its special permit decision; [4]-The zoning board of appeals (ZBA) was entitled to interpret its own bylaw in the first instance; [5]-The addition of a new nonconformity with respect to height in the new structure, if not exempt under § IV.A.3, required a variance rather than a special permit.

Outcome

Judgment and order denying applicants' motion for reconsideration vacated. Matter remanded to ZBA.

LexisNexis® Headnotes

Environmental Law > Natural Resources & Public Lands > Wetlands Management

Real Property Law > Zoning > Building & Housing Codes

Real Property Law > Zoning > Ordinances

HNI Chatham, Mass., Bylaw § IV.A.3 defines the coastal conservancy district as all land delineated in a 100-year flood plain. The section

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In any event, the judge ruled that the height exemption provided by § IV.A.3 was inapplicable, so that the new structure's increased height created a new nonconformity requiring a variance.

[**651] 3. *Discussion.* **HN3** “We review the Land Court judge’s summary [*544] judgment [***10] decision de novo. Because the judge does not engage in fact finding in ruling on cross motions for summary judgment, we owe no deference to his assessment of the record.” *Marhefka v. Zoning Bd. of Appeals of Sutton*, 79 Mass. App. Ct. 515, 517, 947 N.E.2d 1090 (2011) (footnote and citations omitted). Turning to the merits of the Chandlers’ appeal,¹³ we first consider whether the judge correctly decided two issues: (1) whether the board considered the applicability of § IV.A.3 of the bylaw to the new structure, while weighing the Chandler’s application for a special permit, and (2) whether the addition of new nonconformities to a pre-existing nonconforming residential structure require a variance or special permit.

On remand after the 2011 decision, the judge properly recognized that the decision was limited to the issue of standing. Specifically, the judge correctly understood that he needed to determine if the board had ruled on the applicability of § IV.A.3 of Chatham’s zoning bylaw to the new structure; as he stated: “The first issue is whether the ZBA made a finding as to whether or not the New structure was an expansion of the Old structure.”

HN4 Section IV.A.3 of the bylaw exempts certain structures from otherwise applicable height restrictions if FEMA regulations require the additional height. See note 5, *supra*. Accordingly,

if the new structure is not an “expansion” within the meaning of § IV.A.3, then it qualifies for the exemption created by that section from the otherwise applicable twenty foot height restriction. The increased height would not be a new nonconformity, and the Chandlers may proceed under their special permit. However, [***12] in denying the Chandlers’ motion for reconsideration, the judge concluded that the zoning board had already found [*545] the new structure to be an “expansion,” within the meaning of § IV.A.3 and, therefore, confirmed his conclusion that the Chandlers’ project required a variance rather than a special permit.

The question of the applicability of § IV.A.3 to the new structure is significant. As discussed below, we conclude that the Land Court judge correctly ruled that **HN5** the creation of a new nonconformity in a preexisting nonconforming structure requires a variance, and not just a special permit based on substantial detriment pursuant to the second sentence of *G. L. c. 40A, § 6*. Accordingly, if the new structure is ineligible for the exemption created by § IV.A.3, it requires a variance and the board’s decision granting a special permit for the project would be invalid. Conversely, if the new structure is eligible for the exemption created by § IV.A.3, it does not require a variance and the project may proceed by special permit.

a. *Applicability of § IV.A.3 to the new structure.* As we have observed, the Land Court judge correctly recognized that his first task following the remand ordered by [***13] the 2011 decision was to determine whether the board considered and determined the applicability of § IV.A.3 to [**652] the new structure in its special permit decision.

¹³ On appeal, the Chandlers ask us to reconsider our previous 2011 decision, *Hallock v. Zoning Bd. of Appeals of Chatham*, 80 Mass. App. Ct. 1104, 951 N.E.2d 1013 (2011), where a panel of this court determined that the Deadricks had standing. We decline to revisit the issue. The Chandlers also challenge standing on the grounds that the original Deadrick plaintiffs are now deceased and the substituted plaintiffs, the Deadrick children, do not have standing because they do not live on the locus. Like the Land Court [***11] judge, we reject this argument. From the onset of this case the Deadrick children have had some ownership interest in house. As such, the Deadrick children have the same harm as their parents, which we already determined was an adequate basis for standing.

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November 18, 2020

Harwich Planning Board
732 Main Street
Harwich MA 02664

VIA e-mail to Town Planner

Re: Royal Apartments - PB 2020-26

Dear Board Members,

On November 16th, I submitted to you a letter on behalf of abutters to the above property, contending, among other things, that the recent zoning bylaw amendment on which the applicant relies, is not yet in effect. I cited to you the provision of General Laws c. 40 section 32 that states in part :

“before a [zoning] bylaw takes effect it shall be approved by the attorney general...”

As such approval of section 325-51Q has not yet been received, it is not yet in effect and can not be the basis for granting the relief sought in this application.

The Applicant’s attorney responded by citing the board to General Laws chapter 40A section 5 that states, in part,

“The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by the city council or town meeting...”

* Each Attorney in this office is an independent practitioner
who is not responsible for the practice or liabilities of any
other attorney in the office. Rule 7.5 (d)

Despite any apparent inconsistency between these two statutes, the reconciliation is clear. An amendment or bylaw is NOT in effect until it is approved by the Attorney General, but once approved, its effective date is retroactively set to the date of the Town Meeting vote.

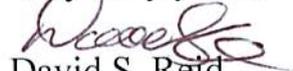
Attached is an older publication of the office of the Attorney General (I have not located an updated edition), in which it states that "Once" a bylaw is approved by the Attorney General's office, it must also be posted and published by the Town Clerk. "Once" that process has been fulfilled, "zoning by-laws and amendments are deemed to take effect back on the date that they were voted by Town Meeting."

Similarly, a "Frequently Asked Questions" section on the Attorney General's current web site states (almost identically) that "Once a by-law is approved by our Office, the by-law does not take effect until it has been posted and published in accordance with Section 32."

The effective date, stated in Chapter 40A section 5, relied on by the applicant, clearly refers to the after-the-fact effective date, following the approval by the attorney general, not before.

Therefore, as stated before, we contend that the Board may not grant a special permit for this applicant, based on section 325-51Q, until after it is approved by the attorney general and posted and published by the Town Clerk as required for any zoning amendment.

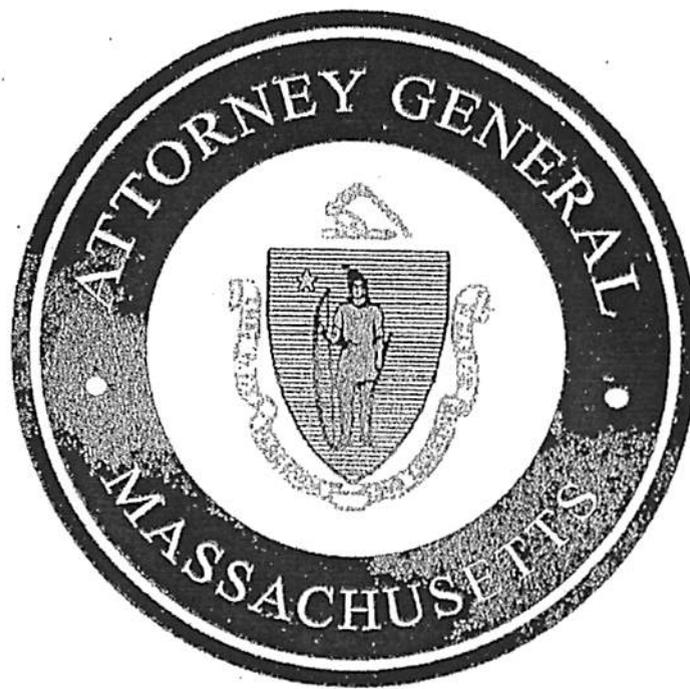
Very truly yours,


David S. Reid

encl(2)

cc: Benjamin Zehnder, Esq.

Submitting By-Laws to the
Attorney General's Office Guidebook
For Town Clerks and Planning Boards
(Including Guidelines for the Submission of Charter Amendments by Cities and Towns)



Thomas F. Reilly
Attorney General
Commonwealth of Massachusetts
Revised March 2004

There are two additional posting and publication requirements for zoning by-laws under G.L. c. 40, § 32. The notice for zoning by-laws must include (1) a statement that any claims that a zoning by-law is invalid because of a defect in the procedure by which the by-law was adopted or amended may only be made within ninety (90) days of the posting or of the second publication of the town bulletin or pamphlet, and (2) a statement indicating where copies of the by-law may be examined and obtained.

Whenever the Attorney General approves a by-law with portions "disapproved and deleted," we require that a copy of the by-law as posted and/or published by the town clerk be sent to us as verification that the deletion was made before the by-law goes into effect. This requirement is usually noted in the Attorney General's approval letter. It is important to remember that posting/publishing of a copy of the Attorney General's letter, or posting/publishing any version of the by-law that does not reflect the deletions made by the Attorney General, does not satisfy the statutory requirements pre-requisite to the by-law taking effect. The Attorney General's endorsement letter will always include the following text:

General Laws Chapter 40, Section 32, requires that both general and zoning by-laws and by-law amendments, once approved by the Attorney General, must be posted and published by the Town Clerk before they may be deemed to take effect. Once this statutory duty is fulfilled, unless a later effective date is prescribed in the bylaw, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied, and (2) zoning by-laws and amendments are deemed to take effect back on the date they are voted by Town Meeting.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

The reason for including this text in all our endorsement letters is to assure that the portion of the by-law disapproved does not appear in the by-law as posted and published by the clerk.

Chapter 299 of the Acts of 2000

Chapter 299 amends G.L. c. 40, § 32, which governs the Attorney General's statutory duty to review town by-laws for consistency with the Constitution and laws of the Commonwealth. Specifically, Chapter 299 amends

<https://www.mass.gov/service-details/frequently-asked-questions-about-municipal-law>

Frequently Asked Questions about Municipal Law

Learn more about Municipal Law and the Municipal Law unit from the answers to these frequently asked questions.

Q: Is there a time limit in which the town clerk must post or publish by-law amendments after they have been approved and returned by the Attorney General's Office?

A: No. The effective date of by-laws is governed by M.G.L. c. 40, § 32 (additionally M.G.L. c. 40A, § 5, for zoning by-law amendments). Once a by-law is approved by our Office, the by-law does not take effect until it has been posted and published in accordance with Section 32. Although state law does not expressly limit the time in which the town clerk must satisfy these requirements, postponing the posting or publishing of the by-law will affect the date on which the by-law may be implemented. Moreover, confusion can result if the posting and publishing is not accomplished prior to further amendment of the by-laws at the next town meeting. Every effort should be made to fulfill the posting and publishing requirements as soon as possible after approval by this Office.

Charleen Greenhalgh

From: Ken Birtwell <kenbirtwell@comcast.net>
Sent: Friday, November 13, 2020 3:51 PM
To: Charleen Greenhalgh
Subject: Charlene Greenhalgh

Charlene Greenhalgh
Town Planner

Dear Ms Greenhalgh,

I am concerned about the 26-unit apartment complex proposed for the Royal. Living less than .2 mile from the Royal, I am very aware of the amount of traffic and safety issues on this stretch of Bank Street. As a matter of fact the utility pole in front of my house has been replaced at least four times due to traffic accidents since I've lived here. Heavy truck traffic and speeding bicyclists make for a dangerous mix. The addition of a 26 unit apartment house would add to this.

This proposal for such a small piece of property has the potential to double the population of Bank Street from Main Street to Long Road further impacting this area.

At least the library is right across the street from the Royal and that could help accommodate overnight guest parking in the summertime and we have an excellent fire dept close by in case someone should use their grill just a little too close to that beautiful old building.

I am requesting to have this letter read aloud at the November 19 meeting and have it put in the public record.

Thank you,
Ken Birtwell
297 Bank Street

Sent from my iPhone

Charleen Greenhalgh

From: carla burke <cd2burke@gmail.com>
Sent: Wednesday, November 11, 2020 9:36 AM
To: Charleen Greenhalgh
Subject: PB2020-26 The Royal Apartments LLC

I am emailing in regard to the application PB2020-26 The Royal Apartments LLC, which is to be considered during a public hearing at the November 19, 2020 meeting of the Harwich Planning Board.

I ask that the Planning Board give careful consideration to the possibility of nuisance or serious hazard to vehicles or pedestrians that could occur as a result of this project. Currently, vehicles turning onto Bank Street from Main Street in Harwich Center, and those entering and exiting Parallel Street, already pose a safety concern, particularly for pedestrians. Adding additional vehicles to this area will most certainly increase traffic congestion and cause further problems.

I ask that the Harwich Planning Board require the applicant to provide documentation to prove that this project will not cause nuisance or serious hazard to vehicles or pedestrians. A traffic impact study, done at the expense of the applicant, should be required to provide this documentation. This traffic impact study should then be examined by the Town's Traffic Safety Committee, after which the Committee should provide an opinion and any recommendations to the Harwich Planning Board prior to its approval of this application. Steps needed to mitigate nuisance or serious hazard to vehicles or pedestrians that may be caused by this project should be identified prior to an approval of this application, and be included in the project plans.

I ask that the content of this email be considered at the November 19, 2020 meeting of the Harwich Planning Board, and that this email be included in the public minutes of that meeting.

Respectfully submitted,

Carla Burke

200 Bank Street

Charleen Greenhalgh

From: cburke200@comcast.net
Sent: Tuesday, December 15, 2020 9:52 AM
To: Deputy Chief Kevin Considine
Cc: Charleen Greenhalgh; Elaine Banta
Subject: Royal Apartments/vehicle and pedestrian safety

Deputy Chief Considine:

An amended application for the Royal Apartments, located at 328 Bank Street, will be reviewed at the Planning Board's January 12, 2021 meeting. I am concerned that nuisance or serious hazard to vehicles or pedestrians could occur as a result of this project. Currently, vehicles turning onto Bank Street from Main Street in Harwich Center, and those entering and exiting Parallel Street, already pose a safety concern, particularly for pedestrians. Adding additional vehicles to this area will most certainly increase traffic congestion and cause further problems.

As a Harwich resident who regularly walks in this area, I am concerned about what the additional traffic created by this project will mean to my ability to walk safely along this route. I know others in the neighborhood also have concerns.

It is my hope that you will take a look at this amended application, and recommend that the Traffic Safety Committee review it as well. Measures needed to mitigate nuisance or serious hazard to vehicles or pedestrians that may be caused by this project should be identified prior to an approval of this application and, if deemed appropriate, be the responsibility of the applicant.

I would like to speak with you regarding this matter. Could we arrange a time to speak by phone? I can be reached at 508-430-4508. Please let me know when you would be available to talk. I will confirm by email a day and time of your choosing.

Thank you,

Carla Burke

200 Bank Street

12/28/2020

CHARLEEN GREENHALGH
PLANNING BOARD, TOWN OF HARWICH
HARWICH MA. 02645

EVERYONE IS FAMILIAR WITH THE ROYAL'S PAST, AND THE PART IT PLAYED IN THE LIFE AND TIMES OF THE VILLAGE OF HARWICH CENTER. TODAY THIS GREAT RESIDENTIAL BUILDING STANDS VACANT AND BEGINNING TO SHOW IT'S AGE DUE TO NEGLECT. (VACANT BUILDINGS APPEAR TO AGE FASTER THAN OCCUPIED ONES). THE TOWN HAS THE OPPORTUNITY TO HAVE THE ROYAL REPURPOSED INTO WHAT IT ALWAYS HAS BEEN, A HOUSING RESIDENCE, THIS TIME IN THE FORM OF (26) RENTAL UNITS. THIS IS NOT ONLY AN OPTION FOR THIS BUILDING, BUT THE ONLY OPTION.

WHILE MAKING YOUR DECISION ON THE APPLICATION BEFORE YOU, KEEP IN MIND THE NEED FOR RENTAL HOUSING THAT EXISTS, AND THE PEOPLE THESE RENTAL UNITS WILL SERVE. (IT TAKES PEOPLE TO MAKE A VILLAGE).

THE VILLAGE OF HARWICH CENTER IS EXPERIENCING A REBIRTH WITH NEW BUSINESS'S AND BUILDINGS WHICH THE CENTER NEEDS ALONG WITH PEOPLE WHO WILL LIVE HERE ,AND FOR THE VILLAGE TO SURVIVE AND BE SUCCESSFUL.

INCLUSION IT SHOULD BE NOTED THAT CONVERTING THE ROYAL INTO RENTAL UNITS IS THE ONLY OPTION ON THE TABLE FOR THIS PROPERTY, IT HAS ALWAYS BEEN RESIDENTIAL AND IT SHOULD STAY RESIDENTIAL. I ASK YOU TO SUPPORT THIS APPLICATION IN THE NEEDS OF PEOPLE AND HOUSING.

THANK YOU

ARTHUR F. BODIN (HARWICH RESIDENT)

800 ORKEANS ROAD

HARWICH, MA. 02645



November 18, 2020

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

RE: The Royal Apartments, LLC

Dear Mr. Chairman and Members of the Board:

Mid Cape Church Homes, Inc. (MCCH) is a tax-exempt organization established in 1975 to develop, construct and operate affordable housing for the residents of Harwich and surrounding communities. MCCH currently provides 163 affordable housing residences on three campuses in the town and is in the planning stages of developing a fourth campus. As a local organization whose sole purpose is to provide, promote, and educate the public about affordable housing the organization's Board of Directors has a deeply vested interest in supporting efforts toward affordable housing in the town.

During 2019, while in the process of searching for potential sites for a fourth campus, the MCCH Board considered 328 Bank Street - the property now appearing before the Planning Board and seeking approval for Special Permits for Multifamily Use and Site Plan Review. Following inspection of the property and consultation with advisors, the MCCH Board determined the property did not meet a suitable standard for affordable housing in the Town of Harwich and therefore, did not consider that location a viable option. The Board reached its decision after thoughtful deliberation and for many of the same reasons/objections brought forward in previous public hearing(s). MCCH believes the people, the town, and affordable housing will be better served with a well-planned and cooperative effort that results in maximizing the number of additional affordable housing units at a more suitable standard.

The Board of Directors of Mid Cape Church Homes, Inc. is opposed to the application submitted by The Royal Apartments, LLC currently before the Planning Board. Further, The Board respectfully requests that the application be denied.

Respectfully submitted by the Board of Directors of Mid Cape Church Homes, Inc.

Debra Bassett
Joyce Williams
Forrest A. Eaton, Jr.
Paul Fox

Joe Della Morte
Robert Doane
Mary Ann Janick
Kathleen Cockcroft

Phyllis Cushlanis
Laurian Schultz
Edith Ruggles
Gregory Y. Winston (recused)

Charleen Greenhalgh

From: Kip O'Neill <croneill@oacpc.com>
Sent: Sunday, November 15, 2020 11:51 AM
To: Charleen Greenhalgh
Cc: Chib
Subject: Planning Board Meeting, The Royal

Charleen

Please direct this communication to the Planning Board for its upcoming consideration the proposal for the Royal.

Stephanie and I would like to join with the other Bank Street and local community residents, property owners and businesses in strong opposition to the proposal of converting the Royal into 26 residential units along with 43 parking places. The traffic and congestion in the center of town and especially the traffic down Bank Street are significant problems already and nothing has been done to alleviate them and this proposal will significantly compound the problem. The property, as we understand it, also backs on to the wetlands and the run off of waste, wastewater, septic and groundwater from the proposed units and attendant cars would have to pose a serious environmental hazard. The increased congestion in the center of town should be a non-starter for the Planning Board. The proposal requests far too many units for such a small piece of property. The Planning Board and the Selectmen should address the traffic and congestion problems before they decide to do anything with the Royal.

Thank you for your consideration of our views and strong opposition to the proposal.

Kip and Stephanie O'Neill
243 Bank Street

Sent from a mobile device, please excuse brevity or typos.

Charleen Greenhalgh

From: Diane Rinkacs <dianerinkacs@icloud.com>
Sent: Thursday, November 19, 2020 1:17 PM
To: Charleen Greenhalgh
Cc: John Rinkacs
Subject: Letter to Planning Department

Dear Ms. Greenlaugh,

My husband and I are residents of 316 Bank Street and I am writing to voice our concerns over the proposed multi family unit on Parallel Street. We moved into our new home on July 30, 2020.

After reading the minutes from the September Meeting and several articles we are unclear on the motivation behind the change in multiple zoning regulations that could have widespread impact for Harwich. They appear contrary to the current commitment to conservation and adequate green space in Harwich.

We object to the creation of 26/29 units at "The Royal" on Parallel Street as an excessive amount of units based on the following questions and concerns:

- Overcrowding (number of persons)
 - How and if that will be monitored?
 - Overburdened septic system
 - Excessive noise
- Close proximity to conservation
- Lack of green space in the parking lot
- Limited parking - excess on street?

Septic issues (will the units have dishwashers and clothes washers)

How would this be limited and enforced?

Traffic on Parallel and Bank Street (foot and car)

Will the town be installing new sidewalks on Parallel streets and Bank?

Will there be a new traffic pattern established at the stop signs?

Since this is deemed "workforce" housing, is there rent control? Will there be an application process? What is the process for ongoing monitoring of a multi-family unit for occupancy limits.

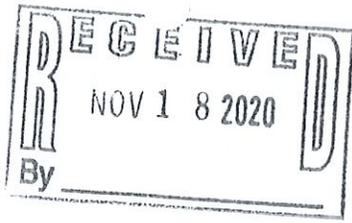
If this is "workforce" housing, based upon my reading of the proposal for the limited square footage for 15 of the units, this is substandard housing.

Lastly, the developer Newman Properties has recently purchased 7 properties in Wareham and owns property in Hyannis and Plymouth. This entity seems to be moving fast to corner the Cape Market. I am confused how this would solve workforce housing shortages when the rental company is a for profit entity.

I look forward to the meeting this evening.

Diane and John Rinkacs

Diane Rinkacs
Sent from my iPhone
(508) 271-1510



307 Bank Street
Hamwich
November 15, 2020

Dear Planning Board Members,
Charleen Greenhalgh, Town Planner:

Please read this letter at your
Thursday, Nov. 19, 2020 meeting so that
it can become part of the public record.

We write in concern about
the proposed development known as
"The Royal" at the corner of Bank
and Parallel streets. In excess
of 50 years of watching this property
go from wreck to more than
adequate residences gives us
a voice.

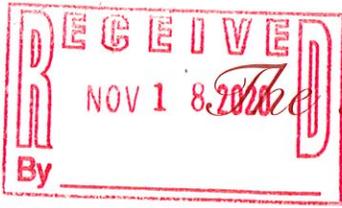
Given that the total amount of buildable land is $1\frac{1}{2}$ acres (the rest designated wetlands) we believe the proposed number of units is too dense. Understand, we are not opposed to apartments and or multi-family dwellings on the site but do not believe that 30 bedrooms is a suitable number for this space. Even 15 would be too much given that 8 units per acre is the allowable now [8 bedrooms, that is].

Thank you for your consideration.

Sincerely,

Evelyn G. Tobey
David Tobey

Evelyn + David Tobey
P.O. Box 768
West Harwich, MA 02671



Reverend Marcia Poole West

November 15, 2020

A memo to Town Planner, C. Greenhalgh.

It has just come to my attention that 26 new units have been proposed for the Royal in Harwich Center and I wish to weigh in with these thoughts: Considering the need for Multi-family zoning amendment provides for this innovation, but quality of life and community living might well be degraded with this proposal. I have been in the Royal over the years, and agree that it has potential for apartments; however, density issues are paramount. And who is this Lehuder, mentioned in the Chronicle, a neighbor or the developer? I admonish the Board to be prudent in this regard. A few apartments are appropriate; 26 are grossly misplaced. Please read this response at the meeting and enter my comments in the record. Thank you for your consideration. MPO

STONE & REID
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION *
SOUTH YARMOUTH PROFESSIONAL BUILDING
1292 ROUTE 28 SOUTH YARMOUTH, MA 02664-4452
TEL (508) 394-5648 FAX (508) 398-1699

DAVID S. REID, ESQ.
DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

January 4, 2021

Harwich Planning Board
732 Main Street
Harwich Center, MA 02645

RE: The Royal Apartments 328
Bank Street PB 2020-26

Dear Chairman Berry,

The matter of the Royal Apartments, petition PB2020-26, is scheduled for your hearings on January 12th. I have written to the Board on November 16th and November 18th about this matter, on behalf of the immediate abutters. Since the previously scheduled hearing, the applicant has filed with you an "Amended Application" seeking additional forms of relief. I would like to respond to this amended application, in addition to the comments previously offered.

In its Amended Application the applicant seeks new relief, including a Special Permit under the Harwich Center Overlay District, section 325-51 (O), and under that bylaw, asks the Board to "waive parking area setback requirements set forth in Bylaw §325-42 L, pursuant to the Board's right to waive such setbacks as set forth in Bylaw §325-51.0(5)(F)."

We contend that the Board does not have the authority to waive the setbacks set forth in Article IX, including the requirement that parking lot areas be set back at least 50' from the site's lot lines (§325-42 L).

First, as previously observed, the provisions of the Harwich Center Overlay District make no reference to altering the parking lot setback requirements of Article IX, including paragraph 42 L. The Overlay District provisions state that its

* Each Attorney in this office is an independent practitioner
who is not responsible for the practice or liabilities of any
other attorney in the office. Rule 7.5 (d)

special dimensional requirements, "including **building** setbacks, maximum site coverage, and heights of these structures", are set forth in paragraph 0(5). (emphasis added)

Paragraph O (5) states that parking may be in the side and rear of the structure, but does not otherwise include any special setback standards for parking areas. Therefore the standard setback of 50' from Article IX remains in effect, by default. (section 325-42 L)

For this reason, the applicant now seeks to secure from the Board a "waiver" of the setback mandated by paragraph 42 L, pursuant to the Overlay District paragraph 5(f). A copy of paragraph 5 is attached for your convenience. Paragraph 5 sets forth dimensional standards in the sub-paragraphs that follow, covering:

- (a) building setback requirements
- (b) parking location requirements (i.e. side or rear)
- (c) maximum site coverage allowance
- (d) maximum permitted height of structures
- (e) minimum lot size requirements
- (f) waiver authority

The waiver authority of the Board is stated as follows:

"(f) The Board may waive or modify these dimensional requirements if it finds...."

The key words are "**these dimensional requirements**". The Board may waive or modify these special dimensional requirements made applicable to overlay district projects. "These" dimensional requirements, as recited in the immediately preceding subparagraphs a through e of paragraph 5; not any or all dimensional requirements set forth anywhere in the zoning bylaw. But as Paragraph 5 does not address parking lot setbacks, which are instead set with in Article IX paragraph 42L, therefore its waiver provision likewise does not encompass the setback standard of paragraph 42 L. To waive that standard, the applicant must seek a variance from the Board of Appeals.

We therefore repeat that the applicant's site plan does not conform to zoning, as approximately 23 of its proposed parking spaces violate the required 50' setback. The density allowed for the multi-family housing must be based on its ability to contain conforming parking for the proposed occupancy. The present density is not conforming to the new standards of section 325-41 Q (5), which limits the unit density to the sites ability to contain the "required parking"

pursuant to Article IX, Off-Street Parking.

We request that you take into consideration the substance of our earlier correspondence, which also remains relevant to this hearing. For the reasons states herein, and as presented in our earlier correspondence to the Board, we request that the requested multi-family special permit, site plan special permit, and Overlay District special permit and waivers, be denied.

Very truly yours,



David S. Reid

enc(1)

CC: Benjamin Zehnder, Esq.

- (2) For each mixed-use development, there shall be a minimum of 5,000 square feet of lot area per residential unit in the Commercial Village (C-V) District and a minimum of 10,000 square feet of lot area per residential unit in all other permitted districts. Applications for mixed-use development shall also comply with the Board of Health regulations.
[Amended 5-5-2015 STM by Art. 3]
 - (3) The parking shall comply with the requirements of Article IX, Off-Street Parking Regulations.
 - (4) There shall be an outdoor landscaped public area provided as part of the landscaping requirement.
 - (5) Special permit applications shall comply with the requirements of § 325-55, Site plan approval.
 - (6) Screening of parking shall comply with the provisions of § 325-43.
- N. Two-family dwelling. Special permits for two-family dwellings may be granted upon a determination by the Planning Board that the following additional criteria have been met:
- (1) The lot area shall contain a minimum of 40,000 square feet of contiguous upland in all applicable zoning districts; however, in the Drinking Water Resource Protection District (WR) the minimum lot area shall be 60,000 square feet of contiguous upland.
 - (2) The floor area for each dwelling unit shall be a minimum of 800 square feet.
 - (3) A common roof or a series of roofs shall connect the dwelling units.
 - (4) There shall be two off-street parking spaces per each unit.

O. Harwich Center Overlay District.

- (1) Purpose. The Harwich Center Overlay District enables the development and redevelopment of Harwich Center to be in keeping with its historic development patterns, including the size and spacing of structures and provision of open space. The redevelopment of existing structures will encourage them to come into compliance with current plumbing, electric and building codes, as well as the latest fire and handicapped access regulations. Agencies involved with historic preservation will be encouraged to make recommendations on proposed development or redevelopment.
- (2) Scope.
 - (a) Within the Harwich Center Overlay District, only property that is currently within the Commercial - Village (CV) Zoning District in Harwich Center is permitted to utilize this section, with the following two exceptions: property located on the southeast corner of the intersection of Sisson Road and Parallel Street just east of Forest Street, currently shown on Assessor's Map 40 as Parcel Z5, and the parcel located at the southwest corner of the intersection of Bank Street and Parallel Street, currently shown on Assessor's Map 41 as Parcel N4, are also permitted to utilize this section. All property owners, including the Town of Harwich, are required to locate the majority of

structures on the street frontage portion of the property and to locate parking, septic and open space to the rear of the property.

- (b) The dimensional requirements, including building setbacks, maximum site coverage and heights of these structures, are outlined in Subsection O(5) of this section.
 - (c) This bylaw is intended to be used in conjunction with other regulations of the Town, including site plan review and other bylaws designed to encourage appropriate and consistent patterns of village development.
 - (d) Applicants, with the approval of the Board of Health, and other agencies as required are encouraged to utilize new and improved technologies for septic treatment and stormwater drainage purposes.
- (3) Location. The Harwich Center Overlay District is shown on the following map: Harwich Center Overlay District, October 2003, prepared by the Town of Harwich Planning Department. The Harwich Center Overlay District is bounded on the south by Parallel Street from Bank Street to Sisson Road, but including the parcel on the south side of Parallel Street at Bank Street (also shown on Harwich Assessor's Map 41 as Parcel N4) and the parcel on the south side of Parallel Street at Sisson Road (also shown on Harwich Assessor's Map 40 as Parcel Z5); the district is bounded on the west by Sisson Road, Route 39 (Main Street) and Route 124 (Pleasant Lake Avenue); the district is bounded on the north by Old Colony Way to the west boundary line of Parcel C4-B, on Assessor's Map 41; the district is bound on the east by the west boundary line of Parcel C4-B, on Assessor's Map 41, and the east boundary line of the Town of Harwich owned land (Parcel C302 and C5, on Assessor's Map 41) and Bank Street to the southeast corner of Parcel N4 at Bank Street.
- (4) Procedure.
- (a) The Planning Board shall serve as the special permit granting authority for developments within the Harwich Center Overlay District.
 - (b) Prior to the submission of an application for special permit under this bylaw, the applicant may meet with the Planning Board at a public meeting for a preapplication conference to discuss the proposed development in general terms and establish the plan filing requirements. The Planning Board shall schedule a meeting for a preapplication conference following a written request from the applicant, inviting preliminary comments from the Board of Health, Conservation Commission, and any other interested officials or agencies. The purpose of this preapplication conference is to inform the Planning Board as to the nature of the proposed project. As such, no formal filings are required for the preapplication conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall concept of the proposed project and its relationship to abutting properties.
 - (c) Special permit applications shall comply with and be subject to the requirements of § 325-55, Site plan approval.

(5) Dimensional requirements.

(a) Setback requirements:

- [1] Front setback requirements shall be determined at the time of site plan review based on existing development patterns and the elements of the proposed project.
- [2] Side lot line setback shall be 10 feet.
- [3] Rear lot line setback shall be 10 feet.

(b) Parking shall be permitted at the side or rear of the property.

(c) Maximum site coverage shall not exceed 80%.

(d) The maximum permitted height for new constructions shall not exceed 30 feet or 2 1/2 stories.

(e) Minimum lot size shall be 15,000 square feet.

[Added 5-5-2015 STM by Art. 4^[5]]

[5] *Editor's Note: This article also provided for the redesignation of former Subsection O(5)(e) as Subsection O(5)(f).*

(f) The Board may waive or modify these dimensional requirements if it finds 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) Uses. Uses permitted by right or special permit for the underlying zoning district remain. However, the following additional uses are allowable by special permit in the Harwich Center Overlay District, provided that all other zoning requirements herein are met:

(a) Inn.

(b) Bed-and-breakfast.

P. Certification of dwelling units.

- (1) An accessory apartment or any dwellings in existence on the effective date of this bylaw that were not in compliance with existing zoning when constructed may be granted a special permit from the Board of Appeals to allow the use to continue, provided that any unit (either the main or accessory unit or a number of units equal to the number not permitted) is deed restricted to remain affordable as defined by the Department of Housing and Community Development for a period of 20 years and that the Board of Appeals finds that the issuance of the special permit will not be detrimental to the neighborhood. Prior to appearance before the Board of Appeals, the dwelling in question must be inspected and found to comply with all building codes and Board of Health regulations.
- (2) For the purpose of this section, any accessory apartment or dwelling being brought up to code within 60 days of the discovery of the violations will remain eligible for a special permit. Once the violations are corrected, if zoning violations are also present, an application for a special permit to the Board of Appeals is required, pursuant to Subsection I above.

Elaine Banta

From: cburke200@comcast.net
Sent: Saturday, January 2, 2021 11:20 AM
To: Charleen Greenhalgh
Cc: Elaine Banta
Subject: Public hearing January 12, 2021: Royal Apartments
Attachments: To Harwich Planning Board RE- Royal Apartments 1-12-21.docx

Dear Ms. Greenhalgh:

I previously emailed a statement to you that I had requested be read at the December 17, 2020 meeting of the Harwich Planning Board regarding concern that I had with the application PB2020-26 The Royal Apartments LLC. That public hearing was continued to the January 12, 2021 meeting of the Planning Board.

I am asking that the attached document be read at the January 12 meeting in place of the statement I had previously emailed to you. I request not only that the attached document be read at the January 12, 2021 Planning Board meeting, but that it also be included in the minutes of that meeting so as to be included in the public record.

If you are not able to access the attached document please let me know and I will email it to you in the body of an email message.

Thank you,

Carla Burke

200 Bank Street

Harwich Port, MA 02646

I am writing in regard to the application PB2020-26 The Royal Apartments LLC, which is to be considered during a public hearing at the January 12, 2021 meeting of the Harwich Planning Board.

I ask that the Planning Board give careful consideration to the possibility of nuisance or serious hazard to vehicles or pedestrians that could occur as a result of this project. Currently, vehicles turning onto Bank Street from Main Street in Harwich Center, and those entering and exiting Parallel Street, already pose a safety concern, particularly for pedestrians. I believe that adding additional vehicles in this area will most certainly increase traffic congestion and cause further problems.

During a previous public hearing held by the Planning Board regarding the Royal Apartments application, I voiced my concern that allowing the proposed number of apartments would mean an increase in the amount of traffic in the area and thus may cause nuisance or serious hazard to vehicles or pedestrians.

I have recently spoken with Officer Mark Holmes of the Harwich Police Department regarding this matter. It is my understanding that Officer Holmes will be making helpful recommendations to the Planning Board regarding the Royal Apartments application that hopefully will help to alleviate nuisance or serious hazard to vehicles or pedestrians in this area. I want to be on record though that, while I welcome Officer Holmes' recommendations, I believe that additional traffic congestion to this area caused by this project may still create nuisance or serious hazard to vehicles or pedestrians.

I ask that the content of this document be read and considered at the January 12, 2021 meeting of the Harwich Planning Board, and that this email be included in the public minutes of that meeting.

Respectfully submitted,

Carla Burke

200 Bank Street

Harwich Port, MA 02646

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD/APPLICATION SPECIAL PERMITS & SITE PLAN REVIEW	FORM A
--	---------------



TO THE TOWN CLERK, HARWICH, MA DATE December 1, 2020

PART A – APPLICANT INFORMATION/AUTHORIZATION

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

The applicant is one of the following: *(please check appropriate box)*
 Owner Prospective Buyer* Representative for Owner/Tenant/Buyer*
 Tenant* Other* _____
**Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.*

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

Authorization

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

Wychmere Harbor Real Estate, LLC

 Applicant By: Andrew L. Singer, Esq.

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

Official use only:

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

Case # _____

PART B – PROJECT LOCATION

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

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross:	See Plans and Narrative	Net:
Proposed Floor Area in Sq. Ft	Gross:		Net:
Change in Sq. Ft + / -	Gross:		Net:
Existing # of parking spaces	See Plan & Narrative	Proposed # of parking spaces:	See Plan & Narrative
Existing Use(s)	Recreation and Amusement Services & Restaurant - Beach Club		
Proposed Use(s)	Proposed uses are same as existing uses		
<i>Attach a separate narrative if necessary.</i>			

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

Site Plan Review § 325-55:

- 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.*

Town of Harwich Planning Board

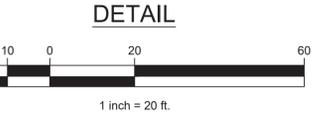
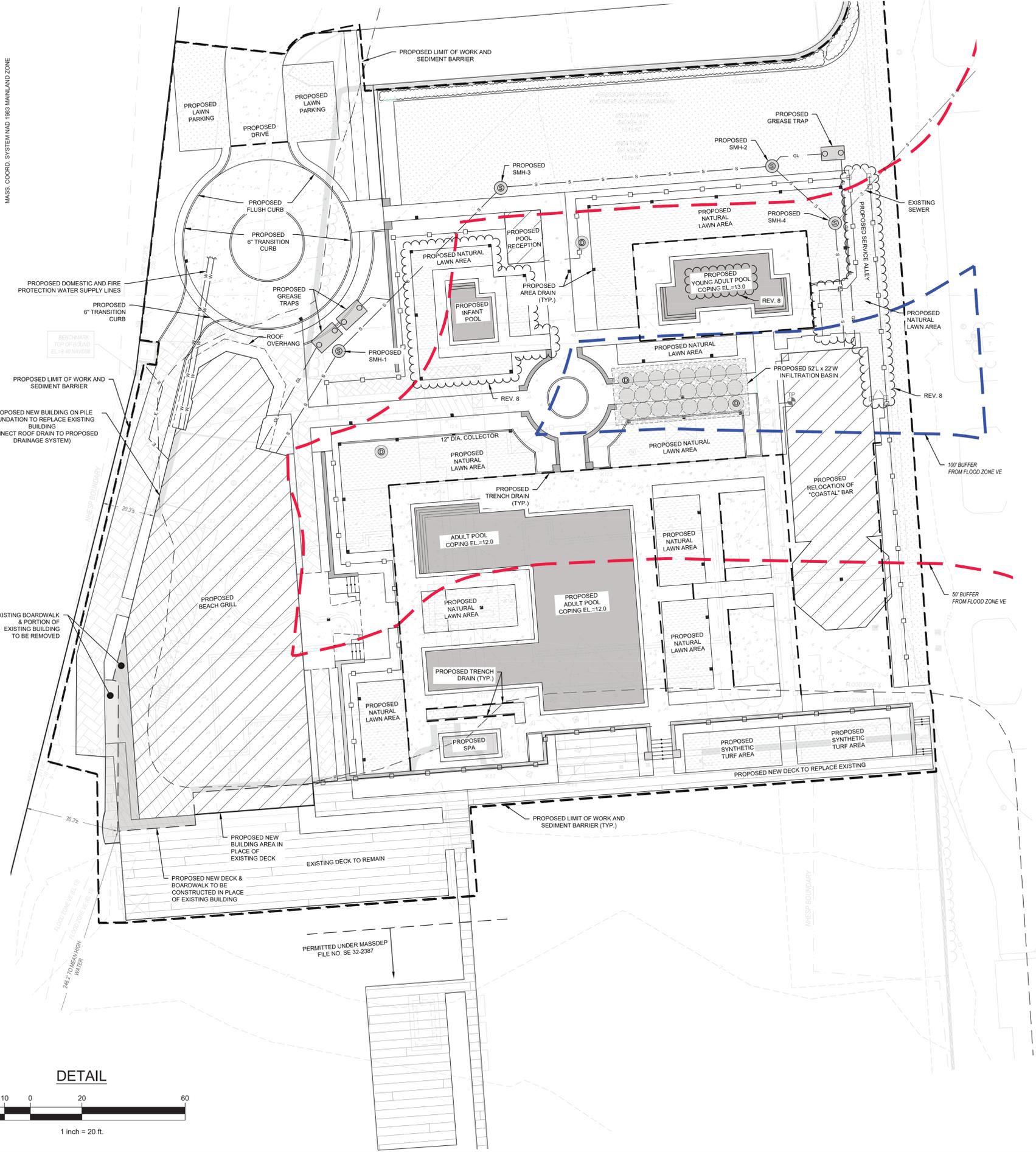
Applicant: Wychmere Harbor Real Estate, LLC
Property: 23 Snow Inn Road, Harwichport, MA

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

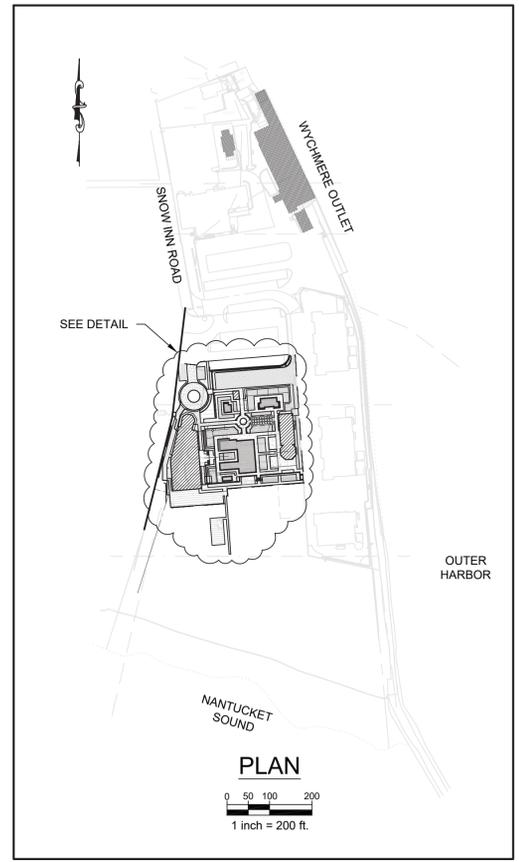
Proposal. The Applicant is seeking permission to further amend the Special Permit Decision granted earlier this year in Case Nos. 2019-27 and 2020-23, or in the alternative, a new Special Permit, to make additional alterations to the previously-approved design of the redeveloped Beach Club at the southern end of the Property--redesignate the approved "infant pool" to "young adult pool," add an infant pool, create a fenced, natural-lawn service alley along the east side, and make accompanying landscape and walkway revisions. There will be no change to the previously-approved buildings or use.



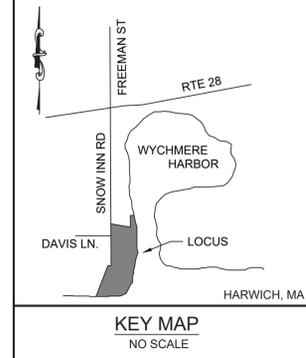
MASS. COORD. SYSTEM (NOV 1983 MAINLAND ZONE)



DETAIL



SEE PLANS BY HAWK DESIGN, INC. FOR PROPOSED HARDSCAPE AND LANDSCAPE LAYOUT AND MATERIALS, AND PROPOSED GRADING



REFERENCE:

ASSESSORS MAP 8, PARCEL P2
DEED BOOK 24547, PAGE 55
PLAN BOOK 634, PAGES 57-66

FLOOD ZONE:

FLOOD ZONE VE (EL 15, EL 14 & EL 13), ZONE AE (EL 11 & EL 12), & ZONE X AS SHOWN ON FEMA FIRM PANEL #25001C0612J EFFECTIVE JULY 16, 2014. COMMUNITY FLOOD PLANE MANAGERS SHALL CONFIRM LOCATION OF SITE SPECIFIC FLOOD PLANE BOUNDARIES PRIOR TO DESIGNING STRUCTURES. A CONDITIONAL LETTER OF MAP AMENDMENT (LOMA) DETERMINATION SHOULD BE APPLIED FOR TO CONFIRM FLOOD INSURANCE REQUIREMENTS.

DATUM:

ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

OWNER:

WYCHMERE HARBOR REAL ESTATE, LLC
23 SNOW INN ROAD
HARWICHPORT, MA 02646

LEGEND

EXISTING		PROPOSED	
■	BOUND	⊗	AREA DRAIN
☆	LIGHT POLE	—○—	FENCING
⊡	TRANSFORMER	⊙	DRAIN MANHOLE
⊞	ELECTRIC METER	—	DRAIN LINE
⊞	PULL BOX	⊙	SEWER MANHOLE
⊞	SEWER MANHOLE	—	GREASE LINE
- - -	CONTOUR	—	SEWER LINE
x 122	SPOT GRADE		
—○—	STOCKADE FENCE		

ZONING DISTRICT: RH-3 (RESIDENTIAL-HIGH DENSITY) AND R-L (RESIDENTIAL - LOW DENSITY) (1)
USE GROUP: PARAGRAPH IV - USE: 30 (RECREATION AND AMUSEMENT SERVICES) 32 (RESTAURANT OR LOUNGE)

SUBJECT	REQUIRED	EXISTING	PROPOSED
LOT AREA (TO M.L.W.)	40,000 S.F. MINIMUM	661,500 S.F. (3)	NO CHANGE
FRONTAGE	150 FT MINIMUM	447.91 FT	NO CHANGE
(2) FRONT SETBACK (BUILDING)	25 FT MINIMUM	301.9± FT	257± FT
(2) SIDE SETBACK (BUILDING)	20 FT MINIMUM	20.3± FT (4)	NO CHANGE
(2) REAR SETBACK (BUILDING)	20 FT MINIMUM	246.2± FT (TO MHW)	NO CHANGE
BUILDING COVERAGE	15% MAXIMUM	10.2% (67,683± S.F.)	11.5% (76,217± S.F.)
AMENITIES COVERAGE	15% MAXIMUM	29.9% (197,824± S.F.)	28.4% (187,566± S.F.)
SITE COVERAGE (TOTAL)	35% MAXIMUM	40.1% (265,507± S.F.)	39.9% (263,783± S.F.)
GREEN SPACE	15% MINIMUM	59.9% (395,993± S.F.)	60.3% (398,653± S.F.)
BUILDING HEIGHT	50 FT & 4 STORIES MAXIMUM	---	SEE ARCH. PLANS

(1) THIS PROJECT IS LOCATED ENTIRELY WITHIN THE RH-3 ZONING DISTRICT.
(2) REQUIRED SETBACKS SHOWN ARE FOR RH-3 ZONING DISTRICT.
(3) CEC SURVEY AUGUST 15, 2019.
(4) ROOF OVERHANG AT NORTHWEST CORNER OF BEACH GRILL BUILDING PROJECTS INTO SIDE YARD SETBACK 1.4' ± < 2' ALLOWED (325-18 F.(3))

ISSUED FOR PLANNING BOARD AND ZBA REVIEW



NO.	DATE	REVISION
8	11/30/2020	REDESIGNATE INFANT POOL TO YOUNG ADULT POOL, ADD INFANT POOL, CREATE SVC ALLEY ON EAST
7	08/28/2020	UPDATE FOR HARDSCAPE/LANDSCAPE REVISIONS, UPDATE ZONING TABLE
6	08/21/2020	UPDATES TO MATCH LANDSCAPE PLAN, UPDATE ZONING TABLE
5	07/30/2020	REVISIONS TO BUILDINGS & AMENITIES
4	02/10/2020	CHANGE SYNTHETIC TURF TO NATURAL LAWN AT POOL PATIO LEVEL
3	01/17/2020	UPDATE LOT AREA AND COVERAGE AREAS IN ZONING TABLE
2	12/20/2019	REVISE PROPOSED POOL AREA AND DRAINAGE
1	07/02/2019	UPDATE PROPOSED BUILDING FOOTPRINT, POOL LOCATIONS, AND UTILITIES



PROJECT: WYCHMERE HARBOR REAL ESTATE, LLC
23 SNOW INN ROAD
HARWICHPORT, MA

SHEET TITLE: PROPOSED BUILDING AND SITE IMPROVEMENTS AT WYCHMERE BEACH CLUB

SCALE: AS NOTED
DRAWING FILE: C15766-C.dwg
DATE: 6/12/2019
DRAWN BY: TRG/CEM/MJB
CHECKED BY: DJM

C2.2.1
1 OF 1 SHEETS
PROJECT NO. C15766.05

F:\SDSKPR\C\1500\C15766\C15766-05\C15766-C.dwg 11/25/2020 4:32 PM

WYCHMERE BEACH CLUB

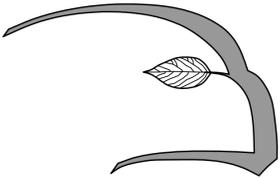
22 SNOW INN RD, HARWICH PORT, MA

LANDSCAPE SUBMISSION SET

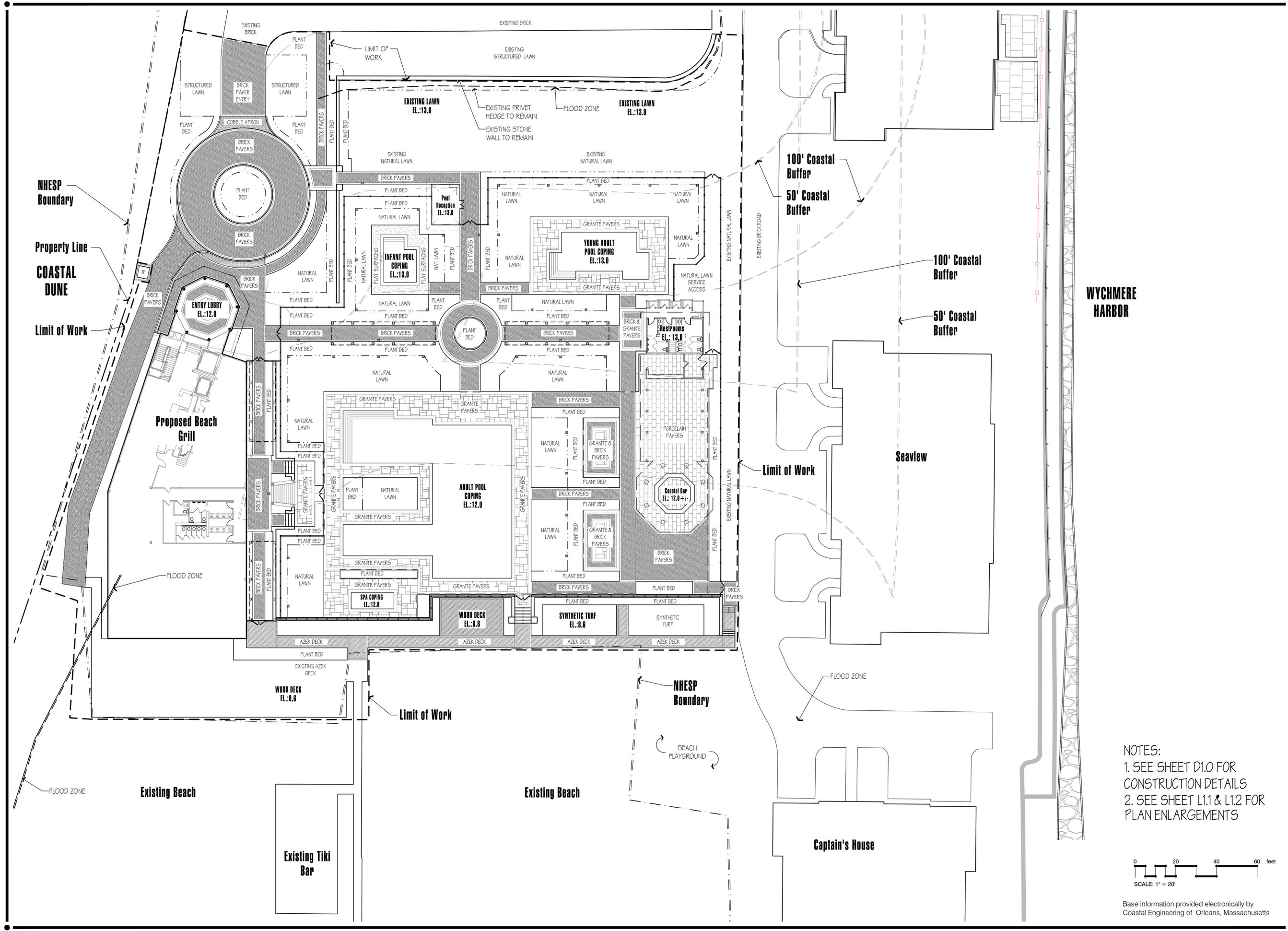
LIST OF DRAWINGS:

		SET DATE	REVISION DATE	REVISION DATE
L1.0	OVERALL SITE PLAN	02/11/20	08/28/20	11/30/20
L1.1	MATERIALS ENLARGEMENT PLAN	08/28/20		11/30/20
L1.2	MATERIALS ENLARGEMENT PLAN	08/28/20		11/30/20
L2.0	PLANTING SITE PLAN	02/11/20	08/28/20	11/30/20
L2.1	PLANTING ENLARGEMENT PLAN	11/30/20		
L2.2	PLANTING ENLARGEMENT PLAN	11/30/20		
L3.0	LIGHTING SITE PLAN	02/11/20	08/28/20	11/30/20
L3.1	LIGHTING ENLARGEMENT PLAN	08/28/20		11/30/20
L3.2	LIGHTING ENLARGEMENT PLAN	08/28/20		11/30/20
L4.0	GRADING SITE PLAN	08/28/20		11/30/20
L4.1	GRADING ENLARGEMENT PLAN	08/28/20		11/30/20
L4.2	GRADING ENLARGEMENT PLAN	08/28/20		11/30/20
D1.0	CONSTRUCTION DETAILS	02/11/20	08/28/20	11/30/20
D1.1	CONSTRUCTION DETAILS	11/30/20		
D2.0	LIGHTING SPECIFICATIONS	02/11/20	08/28/20	11/30/20

PREPARED BY:

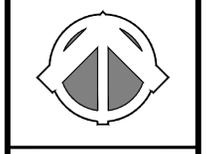


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Date: 02/11/20

Revisions:

Num.	Date	Description
1	08/28/20	
2	11/30/20	



Wychmere Beach Club
 22 Snow Inn Rd, Harwich Port, MA
 Wychmere Harbor Real Estate LLC

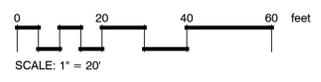
Drawn By: TM Checked By: DH

Overall Site Plan

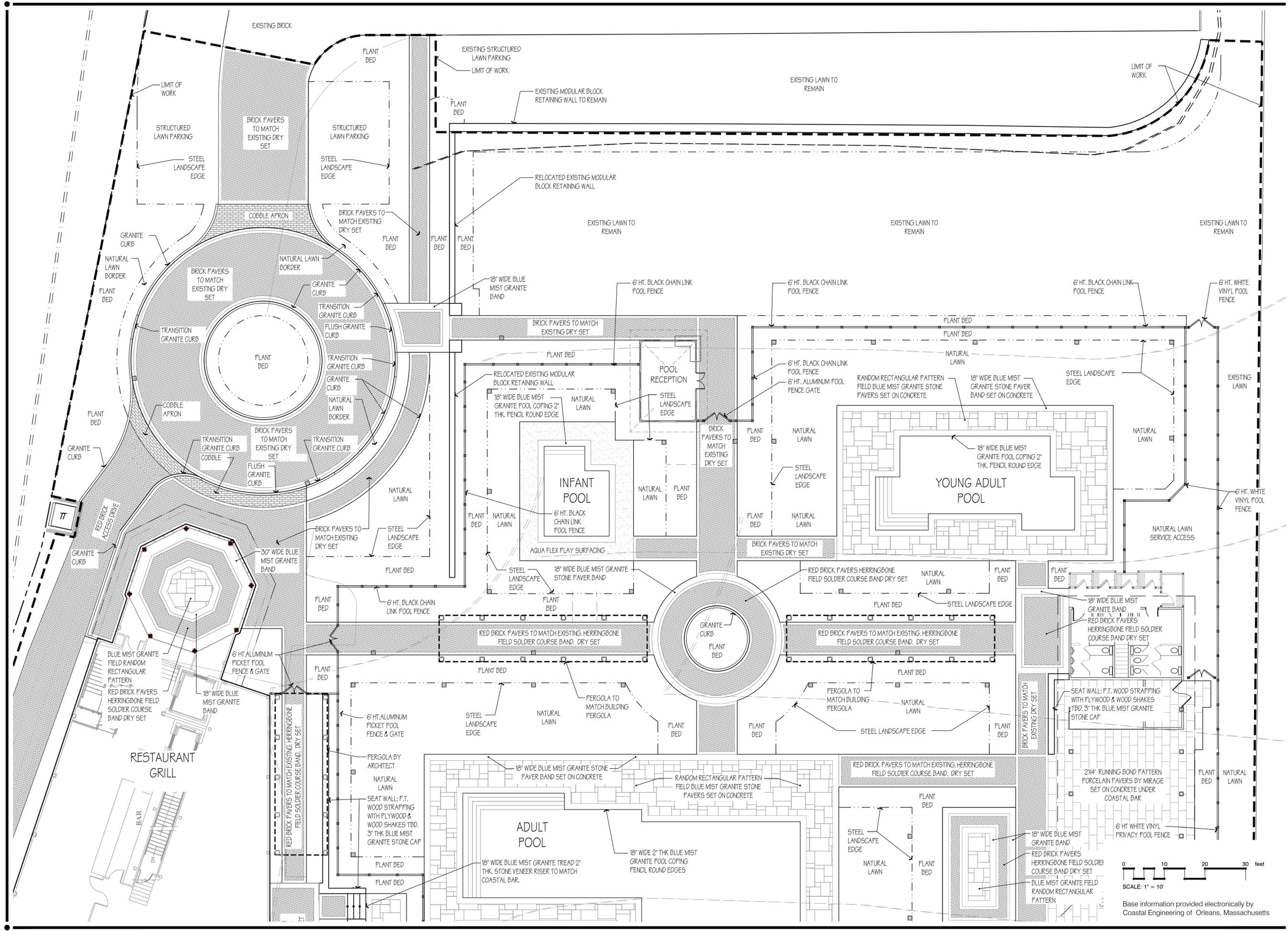
Scale: 1" = 20'-0"

Sheet: **L1.0**

NOTES:
 1. SEE SHEET D1.0 FOR CONSTRUCTION DETAILS
 2. SEE SHEET L1.1 & L1.2 FOR PLAN ENLARGEMENTS

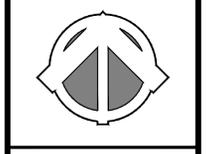


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Date: 08/28/20

Revisions:
 Num. Date Description
 1 11/30/20



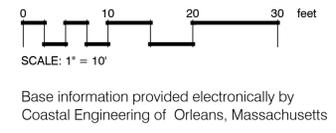
Wychmere Beach Club
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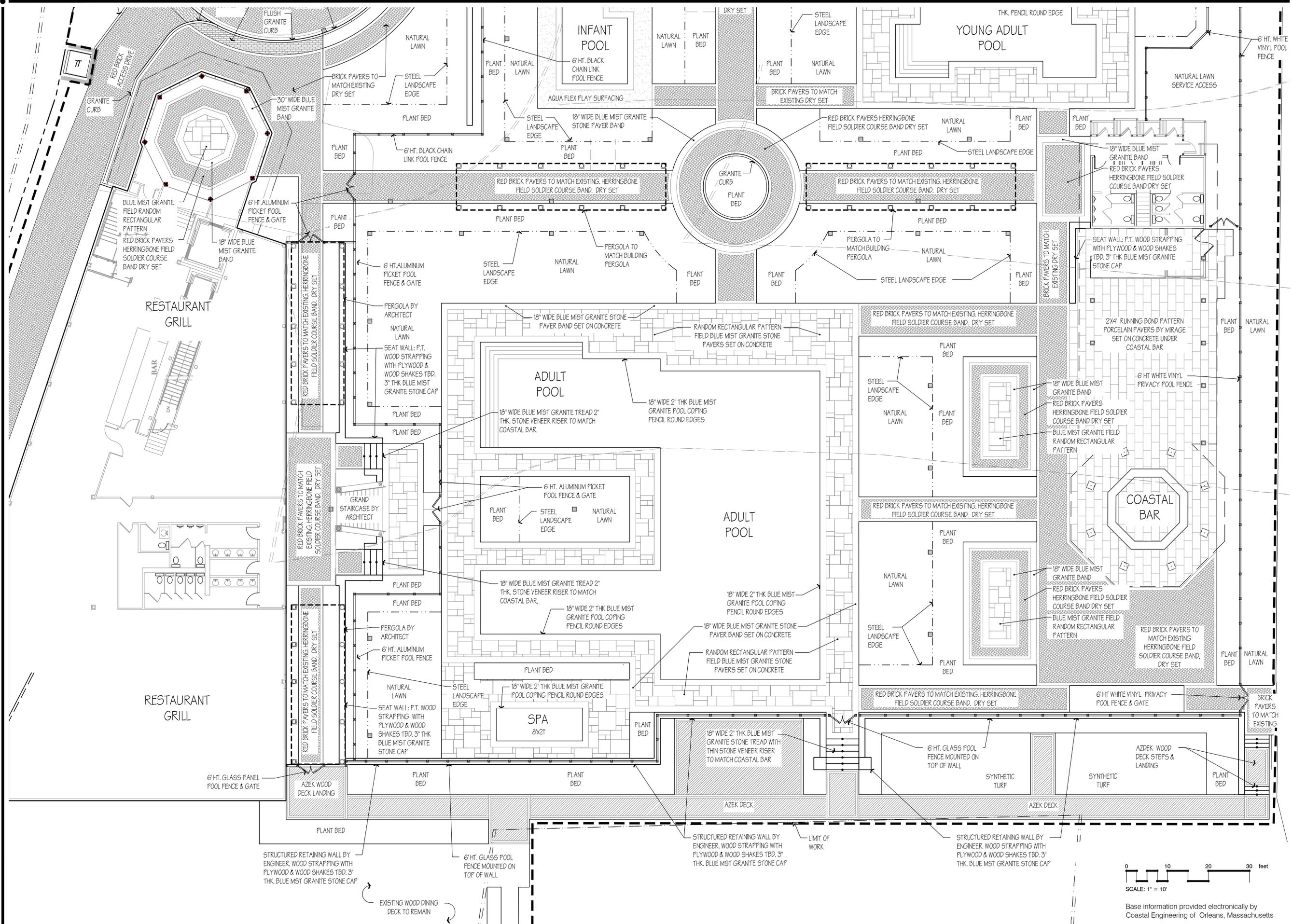
Drawn By: TM Checked By: TM

**Materials
 Enlargement Plan**

Scale: 1" = 10'-0"

Sheet: **L1.1**





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Date: 08/28/20

Revisions:
 Num. Date Description
 1. 11/30/20



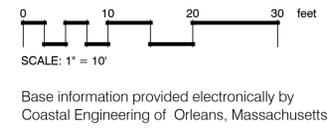
Wychmere Beach Club
 22 Snow Inn Rd, Harwich Port, MA
 Wychmere Harbor Real Estate LLC

Drawn By: TM Checked By: DH

Materials
 Enlargement Plan

Scale: 1" = 10'-0"

Sheet: **L1.2**



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Date: 02/11/20

Revisions:

Num.	Date	Description
1	08/28/20	
2	11/30/20	



Wychmere Beach Club
 22 Snow Inn Rd, Harwich Port, MA
 Wychmere Harbor Real Estate LLC

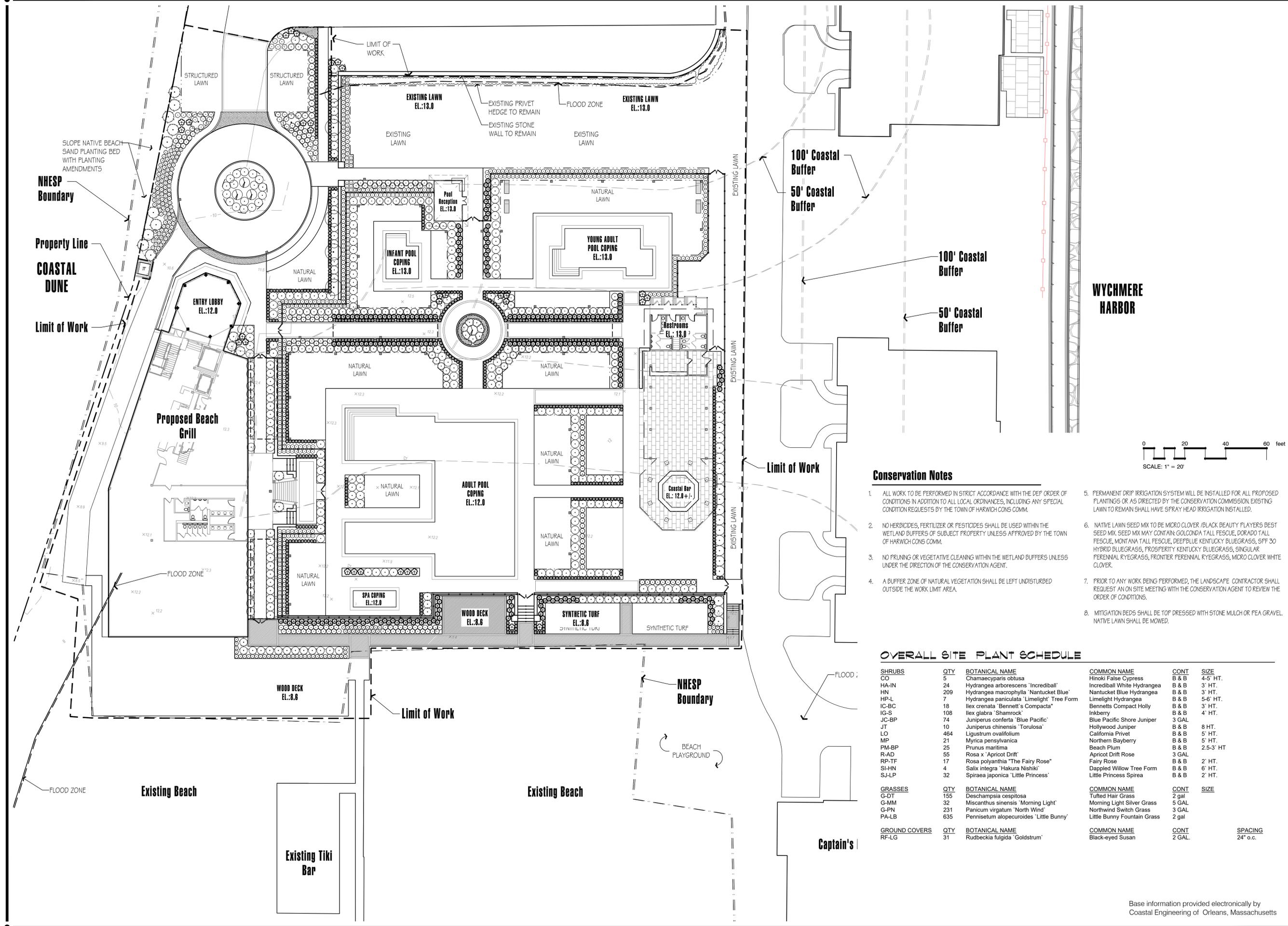
Drawn By: TM Checked By: DH

Overall Site Planting Plan

Scale: 1" = 20'-0"

Sheet: **L2.0**

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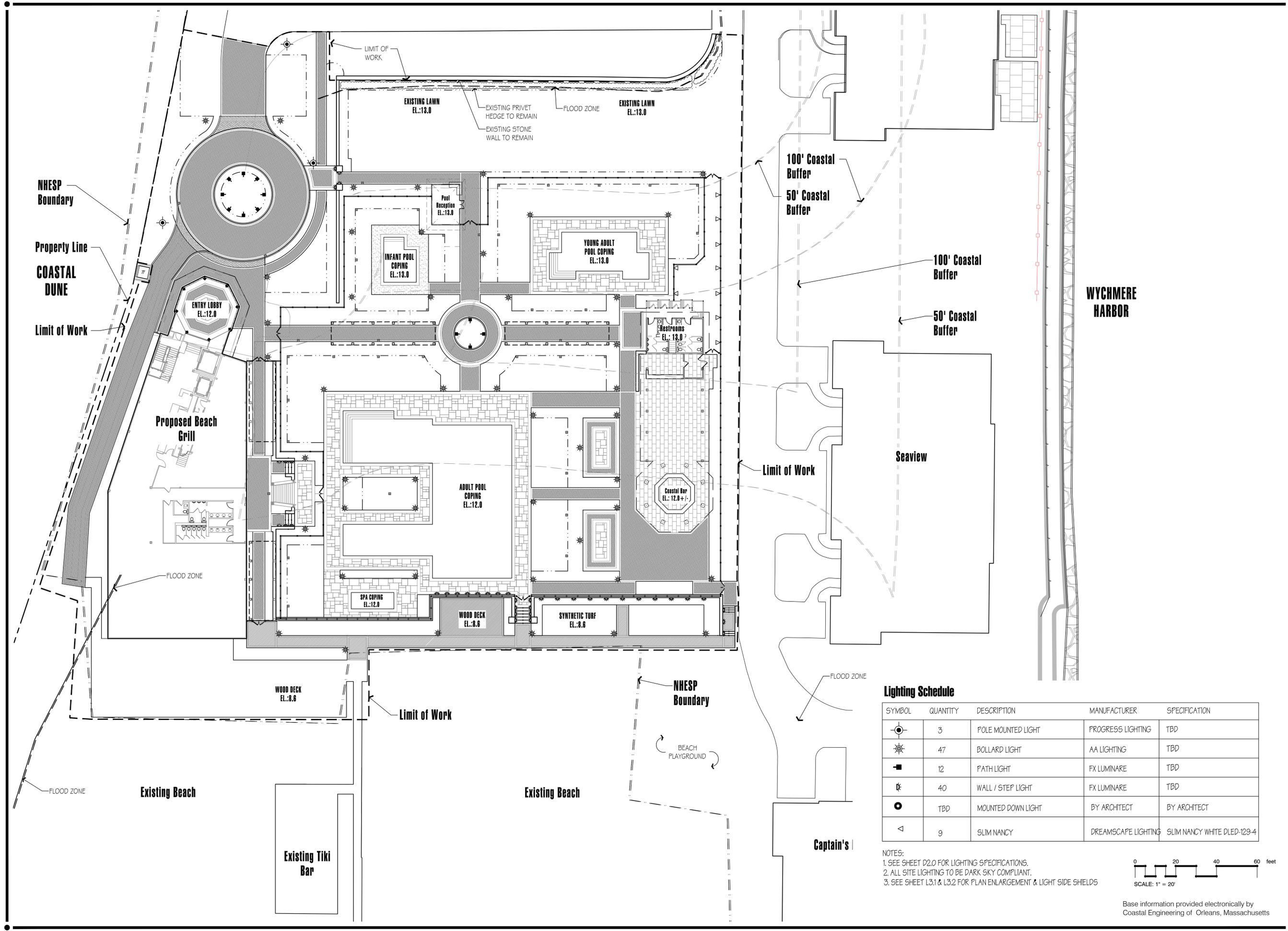


Conservation Notes

- ALL WORK TO BE PERFORMED IN STRICT ACCORDANCE WITH THE DEP ORDER OF CONDITIONS IN ADDITION TO ALL LOCAL ORDINANCES, INCLUDING ANY SPECIAL CONDITION REQUESTS BY THE TOWN OF HARWICH CONSERVATION.
- NO HERBICIDES, FERTILIZER OR PESTICIDES SHALL BE USED WITHIN THE WETLAND BUFFERS OF SUBJECT PROPERTY UNLESS APPROVED BY THE TOWN OF HARWICH CONSERVATION.
- NO PRUNING OR VEGETATIVE CLEANING WITHIN THE WETLAND BUFFERS UNLESS UNDER THE DIRECTION OF THE CONSERVATION AGENT.
- A BUFFER ZONE OF NATURAL VEGETATION SHALL BE LEFT UNDISTURBED OUTSIDE THE WORK LIMIT AREA.
- PERMANENT DRIP IRRIGATION SYSTEM WILL BE INSTALLED FOR ALL PROPOSED PLANTINGS OR AS DIRECTED BY THE CONSERVATION COMMISSION. EXISTING LAWN TO REMAIN SHALL HAVE SPRAY HEAD IRRIGATION INSTALLED.
- NATIVE LAWN SEED MIX TO BE MICRO CLOVER /BLACK BEAUTY PLAYERS BEST SEED MIX. SEED MIX MAY CONTAIN: GOLCONDA TALL FESCUE, DORADO TALL FESCUE, MONTANA TALL FESCUE, DEEPBLUE KENTUCKY BLUEGRASS, SFF 30 HYBRID BLUEGRASS, PROSPERITY KENTUCKY BLUEGRASS, SINGULAR PERENNIAL RYEGRASS, FRONTIER PERENNIAL RYEGRASS, MICRO CLOVER WHITE CLOVER.
- PRIOR TO ANY WORK BEING PERFORMED, THE LANDSCAPE CONTRACTOR SHALL REQUEST AN ON SITE MEETING WITH THE CONSERVATION AGENT TO REVIEW THE ORDER OF CONDITIONS.
- MITIGATION BEDS SHALL BE TOP DRESSED WITH STONE MULCH OR PEA GRAVEL. NATIVE LAWN SHALL BE MOWED.

OVERALL SITE PLANT SCHEDULE

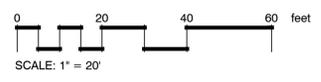
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
CO	5	Chamaecyparis obtusa	Hinoki False Cypress	B & B	4-5' HT.
HA-IN	24	Hydrangea arborescens 'Incrediball'	Incrediball White Hydrangea	B & B	3' HT.
HN	209	Hydrangea macrophylla 'Nantucket Blue'	Nantucket Blue Hydrangea	B & B	3' HT.
HP-L	7	Hydrangea paniculata 'Limelight' Tree Form	Limelight Hydrangea	B & B	5-6' HT.
IC-BC	18	Ilex crenata 'Bennett's Compacta'	Bennett's Compact Holly	B & B	3' HT.
IG-S	108	Ilex glabra 'Shamrock'	Inkberry	B & B	4' HT.
JC-BP	74	Juniperus conferta 'Blue Pacific'	Blue Pacific Shore Juniper	3 GAL	
JT	10	Juniperus chinensis 'Torulosa'	Hollywood Juniper	B & B	8 HT.
LO	464	Ligustrum ovalifolium	California Privet	B & B	5' HT.
MP	21	Myrica pensylvanica	Northern Bayberry	B & B	5' HT.
PM-BP	25	Prunus maritima	Beach Plum	B & B	2.5-3' HT
R-AD	55	Rosa x 'Apricot Drift'	Apricot Drift Rose	3 GAL	
RP-TF	17	Rosa polyantha 'The Fairy Rose'	Fairy Rose	B & B	2' HT.
SI-HN	4	Salix integra 'Hakura Nishiki'	Dappled Willow Tree Form	B & B	6' HT.
SJ-LP	32	Spiraea japonica 'Little Princess'	Little Princess Spirea	B & B	2' HT.
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
G-DT	155	Deschampsia cespitosa	Tufted Hair Grass	2 gal	
G-MM	32	Miscanthus sinensis 'Morning Light'	Morning Light Silver Grass	5 GAL	
G-PN	231	Panicum virgatum 'North Wind'	Northwind Switch Grass	3 GAL	
PA-LB	635	Pennisetum alopecuroides 'Little Bunny'	Little Bunny Fountain Grass	2 gal	
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
RF-LG	31	Rudbeckia fulgida 'Goldstrum'	Black-eyed Susan	2 GAL.	24" o.c.



Lighting Schedule

SYMBOL	QUANTITY	DESCRIPTION	MANUFACTURER	SPECIFICATION
☉	3	POLE MOUNTED LIGHT	PROGRESS LIGHTING	TBD
☼	47	BOLLARD LIGHT	AA LIGHTING	TBD
■	12	PATH LIGHT	FX LUMINARE	TBD
⊕	40	WALL / STEP LIGHT	FX LUMINARE	TBD
●	TBD	MOUNTED DOWN LIGHT	BY ARCHITECT	BY ARCHITECT
◁	9	SLIM NANCY	DREAMSCAPE LIGHTING	SLIM NANCY WHITE DLED-129-4

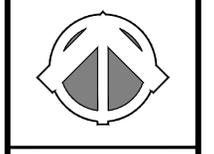
NOTES:
 1. SEE SHEET D2.0 FOR LIGHTING SPECIFICATIONS.
 2. ALL SITE LIGHTING TO BE DARK SKY COMPLIANT.
 3. SEE SHEET L3.1 & L3.2 FOR PLAN ENLARGEMENT & LIGHT SIDE SHIELDS



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 www.hawkdesigninc.com

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Date: 02/11/20

Revisions:

Num.	Date	Description
1.	08/28/20	
2.	11/30/20	



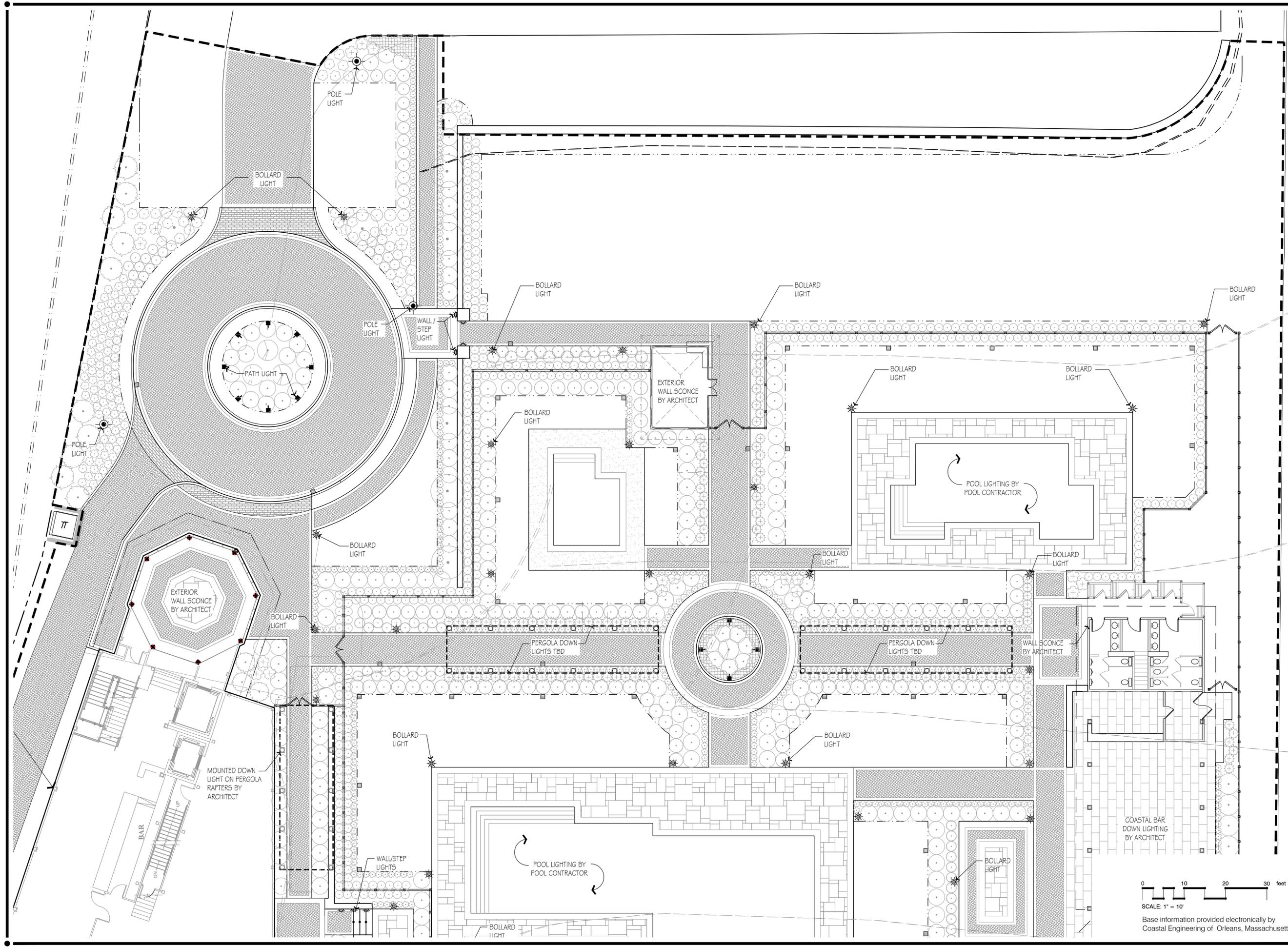
Wychmere Beach Club
 22 Snow Inn Rd, Harwich Port, MA
 Wychmere Harbor Real Estate LLC

Drawn By: TM Checked By: DH

Overall Site Lighting Plan

Scale: 1" = 20'-0"

Sheet: **L3.0**



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 Landscape Architecture
 Land Planning
 Sagamore, MA
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 info@hawkdesigninc.com
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Date: 08/28/20

Revisions:
 Num. Date Description
 1 11/30/20



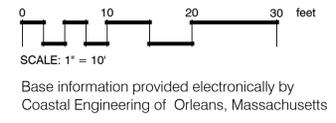
Wychmere Beach Club
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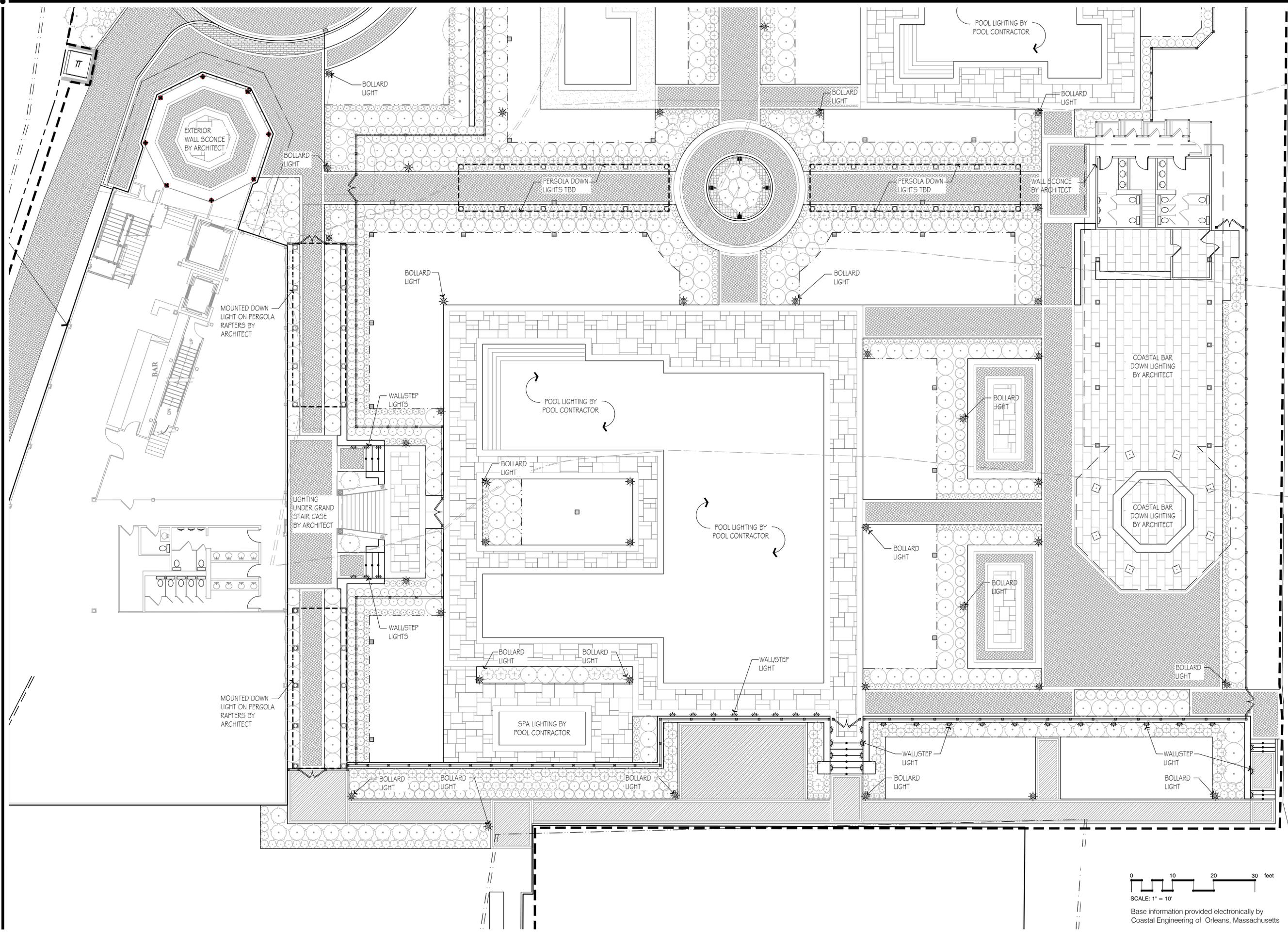
Drawn By: TM Checked By: DH

**Lighting
 Enlargement Plan**

Scale: 1" = 10'-0"

Sheet: **L3.1**





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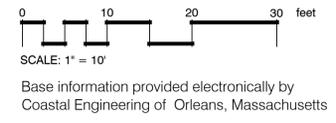
Wychmere Beach Club
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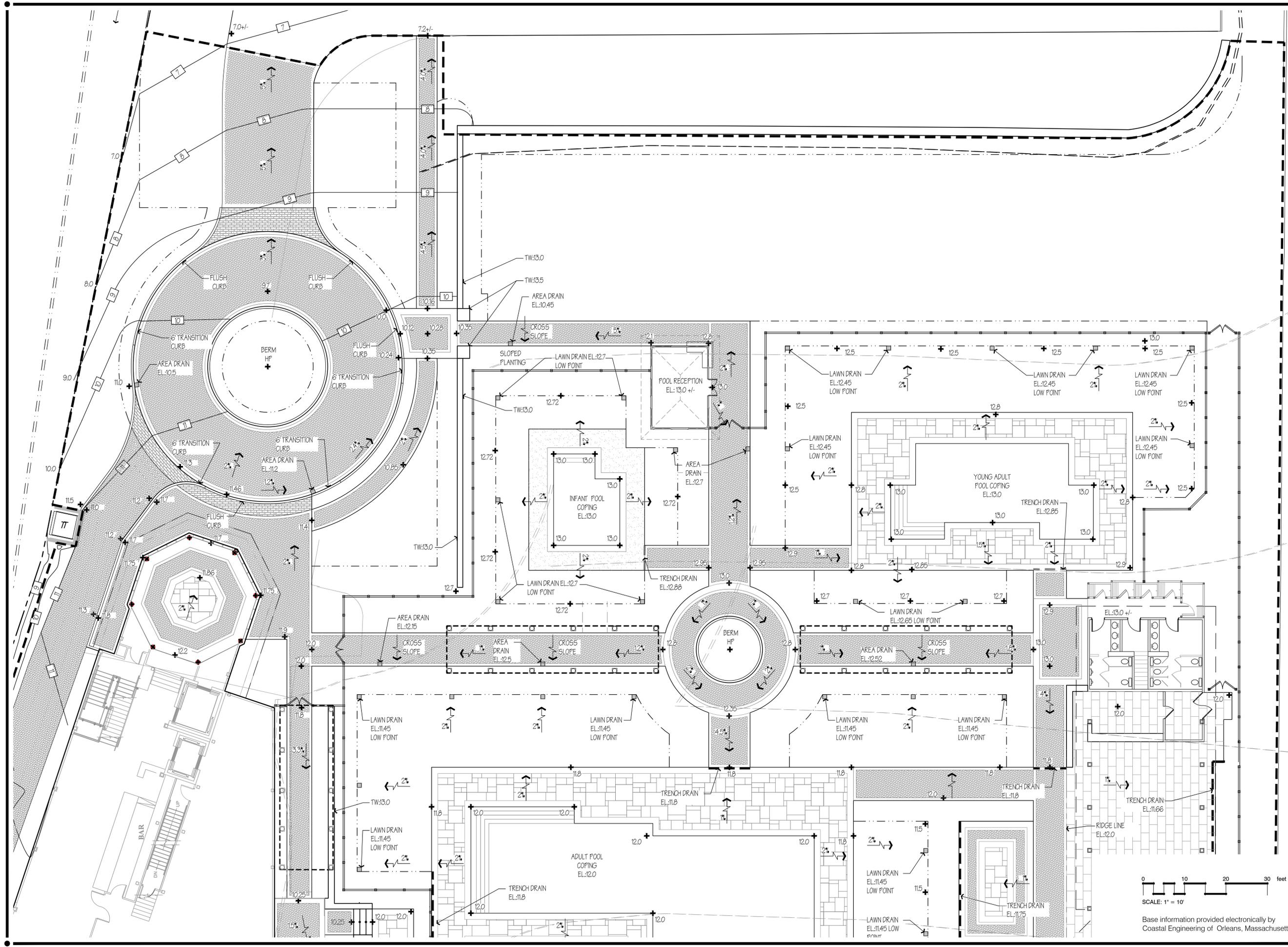
Drawn By: TM Checked By: DH

Lighting
 Enlargement Plan

Scale: 1" = 10'-0"

Sheet: **L3.2**






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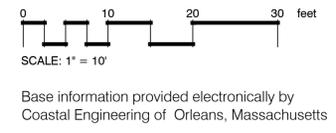
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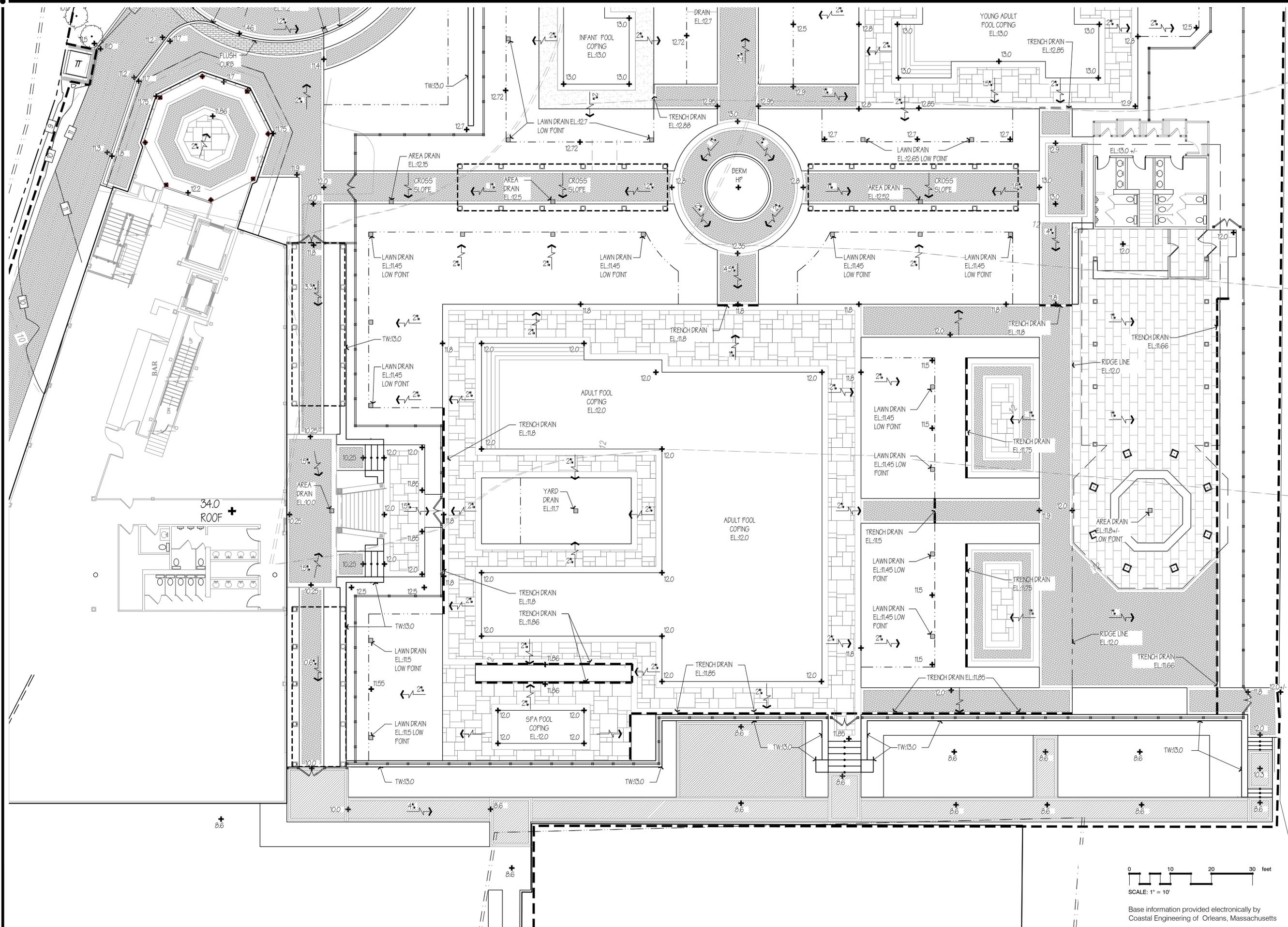
Drawn By: TM Checked By: DH

**Grading
Enlargement Plan**

Scale: 1" = 10'-0"

Sheet: **L4.1**





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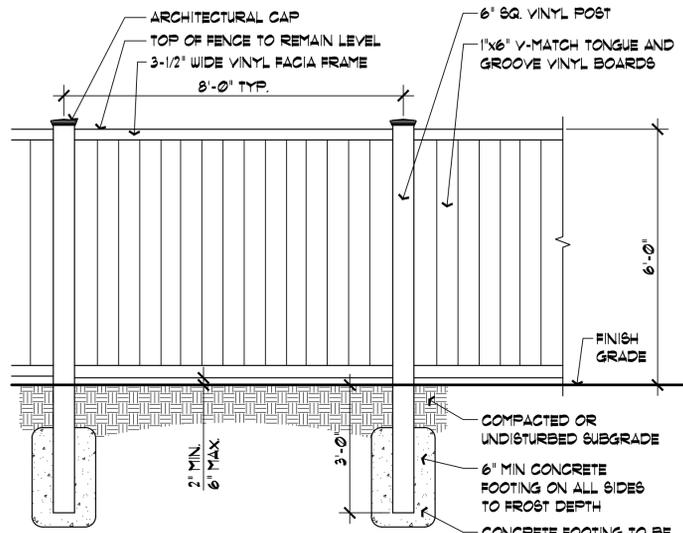
Drawn By: TM Checked By: DH

**Grading
 Enlargement Plan**

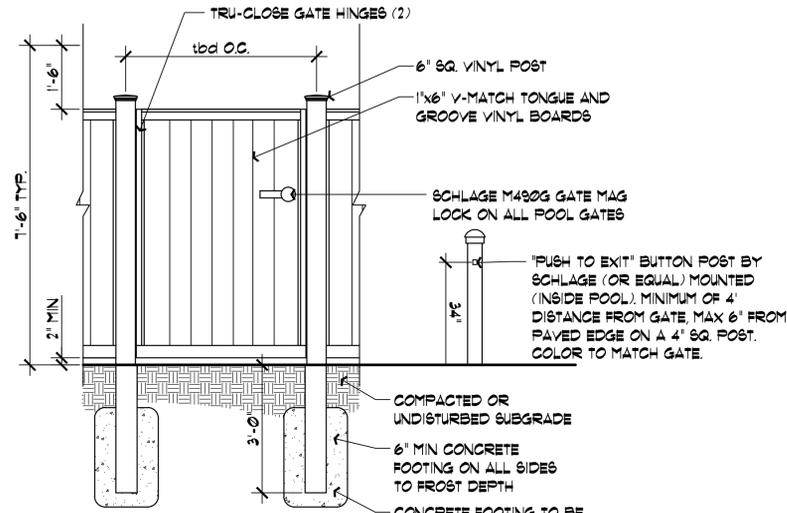
Scale: 1" = 10'-0"

Sheet: **L4.2**

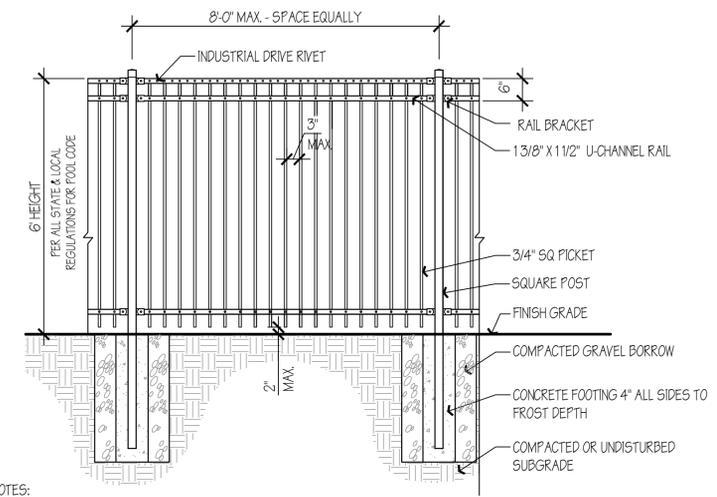
0 10 20 30 feet
 SCALE: 1" = 10'
 Base information provided electronically by
 Coastal Engineering of Orleans, Massachusetts



- NOTE:**
1. TOP CAP TO HAVE 5% WATER SHED
 2. ALL SCREWS AND FASTENERS TO BE STAINLESS STEEL
 3. ALL FASTENERS AND PLUGS SHOULD BE ALIGNED TO FORM A PATTERN



- NOTE:**
1. TOP CAP TO HAVE 5% WATER SHED
 2. ALL SCREWS AND FASTENERS TO BE STAINLESS STEEL
 3. ALL FASTENERS AND PLUGS SHOULD BE ALIGNED TO FORM A PATTERN
 4. POOL GATE HEIGHT TO BE IN ACCORDANCE W/ STATE & LOCAL REGULATIONS FOR POOL FENCES
 5. CONTRACTOR SHALL VERIFY & INSTALL GATE IN ACCORDANCE W/ ALL STATE & LOCAL REGULATIONS FOR POOL GATES



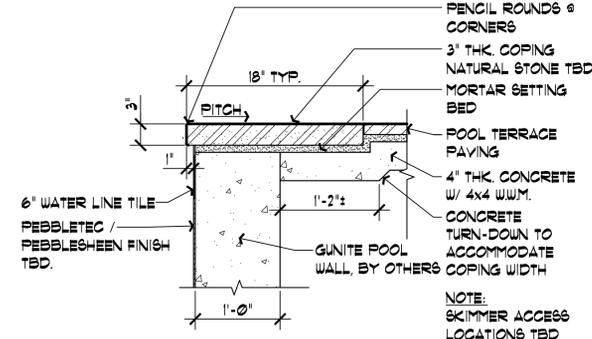
- NOTES:**
1. PICKETS - SPACING TO BE IN ACCORDANCE W/ STATE & LOCAL REGULATIONS
 2. FENCE HEIGHT TO BE IN ACCORDANCE W/ STATE & LOCAL REGULATIONS
 3. FENCE CONTRACTOR SHALL VERIFY & INSTALL FENCE IN ACCORDANCE W/ ALL STATE & LOCAL REGULATIONS
 4. FOOTING WIDTH TO BE (4)x POST WIDTH
 5. COLOR - BLACK

Vinyl Pool Fence & Gate 6' HT.

1/2" = 1'-0"

Aluminum Pool Fence & Gate 6' HT.

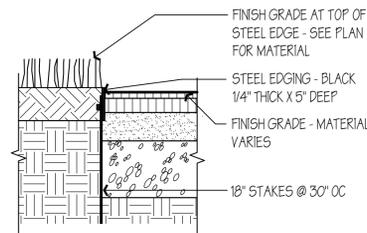
1/2" = 1'-0"



- NOTE:**
1. SKIMMER ACCESS LOCATIONS TBD

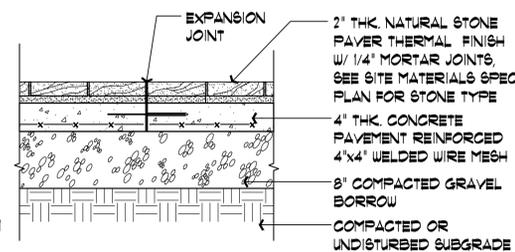
Pool Coping

Scale: 1" = 1'-0"



Steel Landscape Edge

Scale: 1" = 1'-0"



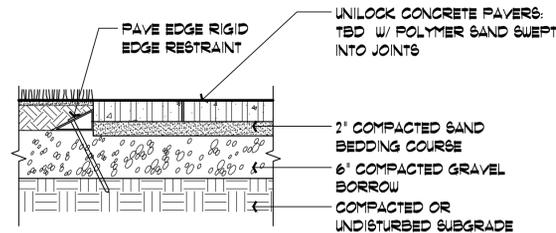
Natural Stone Paver Wet Set TBD

Scale: 1" = 1'-0"



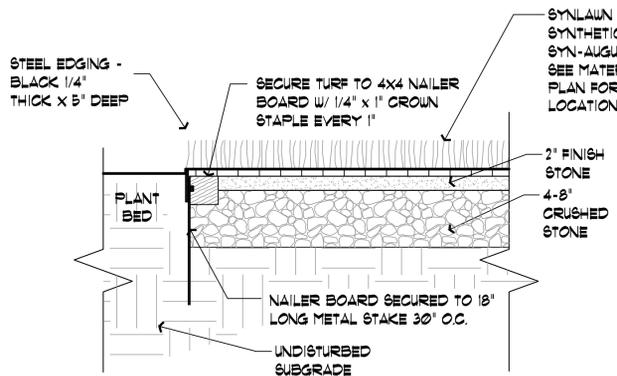
Mirage Porcelain Paver Wet Set TBD

Scale: NTS



Concrete Paver Dry Set TBD

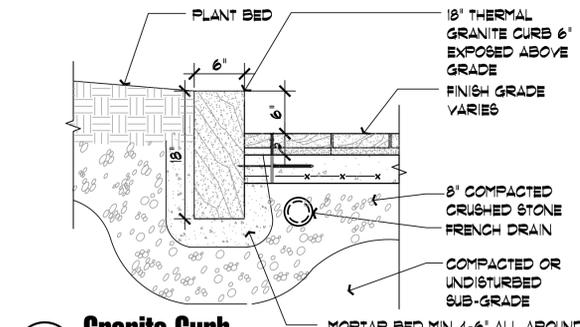
Scale: 1" = 1'-0"



- NOTES:**
1. REFER TO MANUFACTURER'S SPECIFICATIONS FOR FURTHER INFORMATION. LA TO BE NOTIFIED OF ANY DISCREPANCIES.
 2. TO BE INSTALLED BY AUTHORIZED SYNLAWN INSTALLER IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND GUIDELINES.

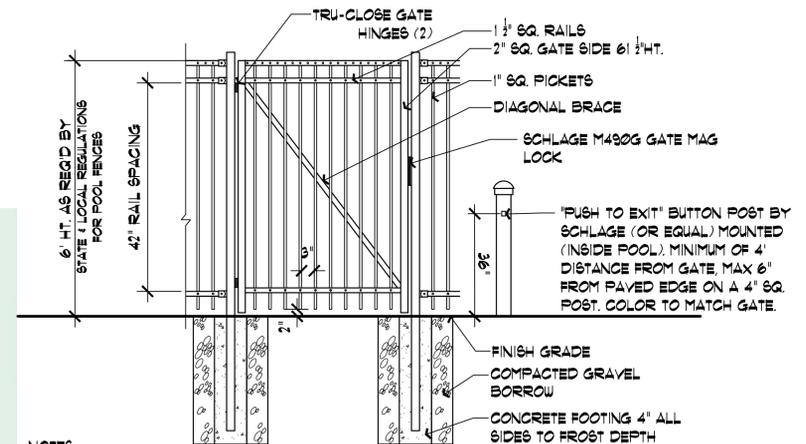
SYNLAWN Synthetic Turf

Scale: 1" = 1'-0"



Granite Curb

Scale: 1" = 1'-0"



- NOTES:**
1. ALL WIRE FABRIC AND FENCE HARDWARE SHALL BE GALVANIZED.
 2. FABRIC SHALL BE INSTALLED ON THE OUTSIDE OF POST.
 3. WIRE FABRIC TO BE BLACK VINYL COATED.
 4. POOL GATE HEIGHT TO BE IN ACCORDANCE W/ STATE & LOCAL REGULATIONS FOR POOL FENCES
 5. CONTRACTOR SHALL VERIFY & INSTALL GATE IN ACCORDANCE W/ ALL STATE & LOCAL REGULATIONS FOR POOL GATES
 6. COLOR - BLACK

Aluminum Pool Fence & Gate 6' HT.

1/2" = 1'-0"



AquaFlex Water Play Surface by PlayCore Inc

nts

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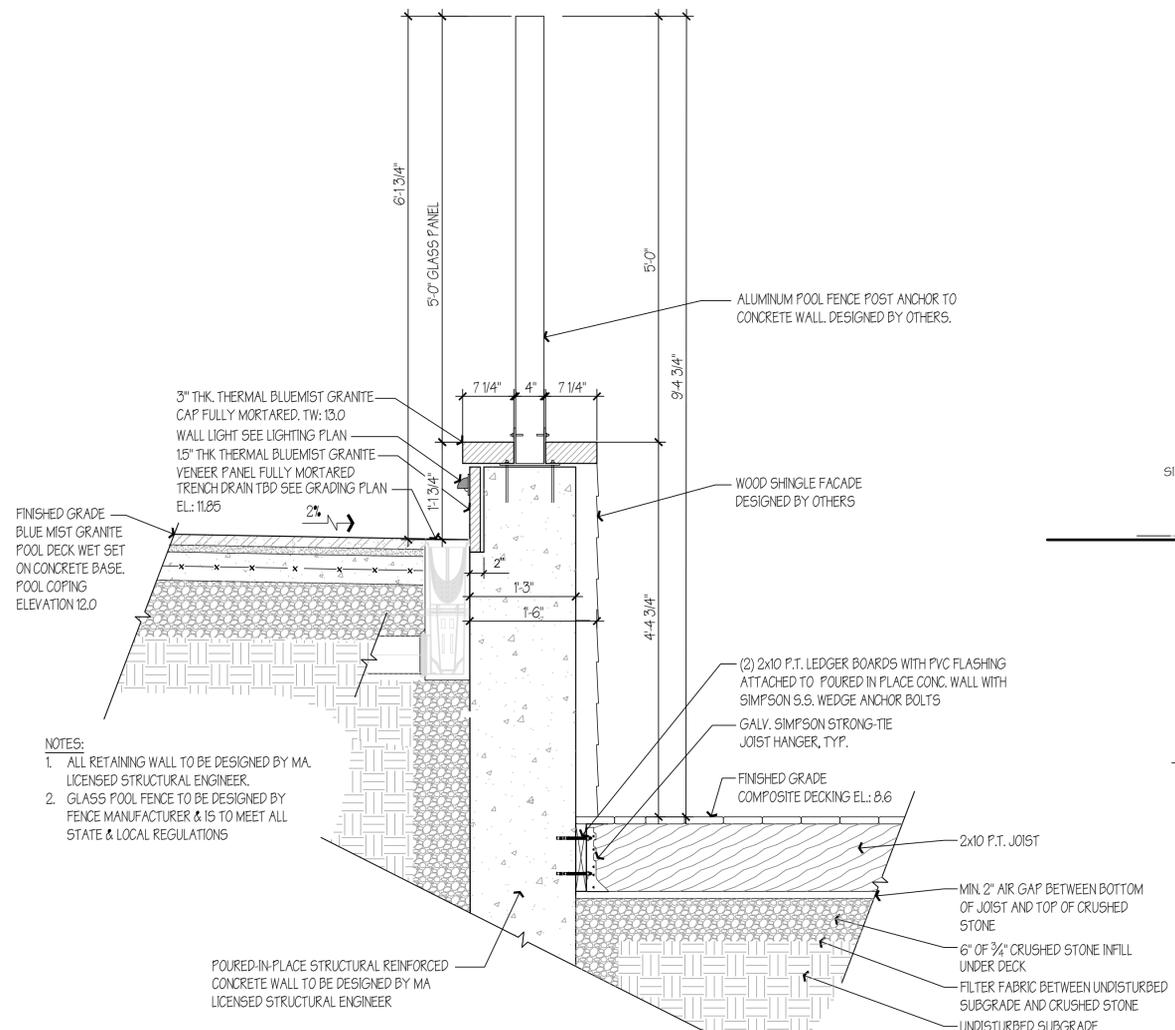
Wychmere Beach Club
22 Snow Inn Rd, Harwich Port, MA
Wychmere Harbor Real Estate LLC

Drawn By: TM Checked By: DH

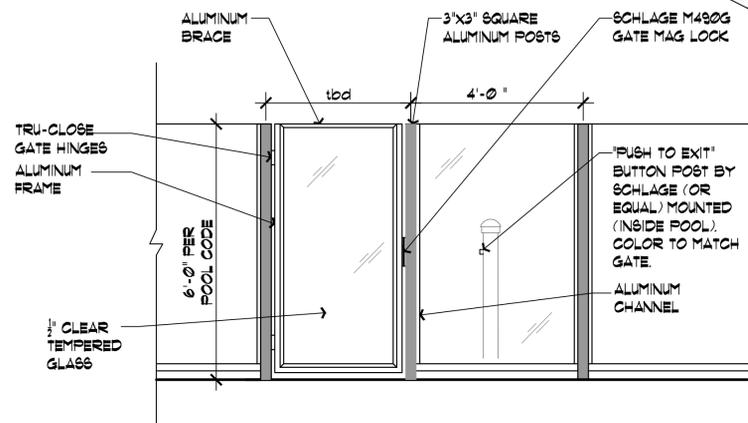
Construction Details

Scale: As Noted

Sheet: **D1.0**



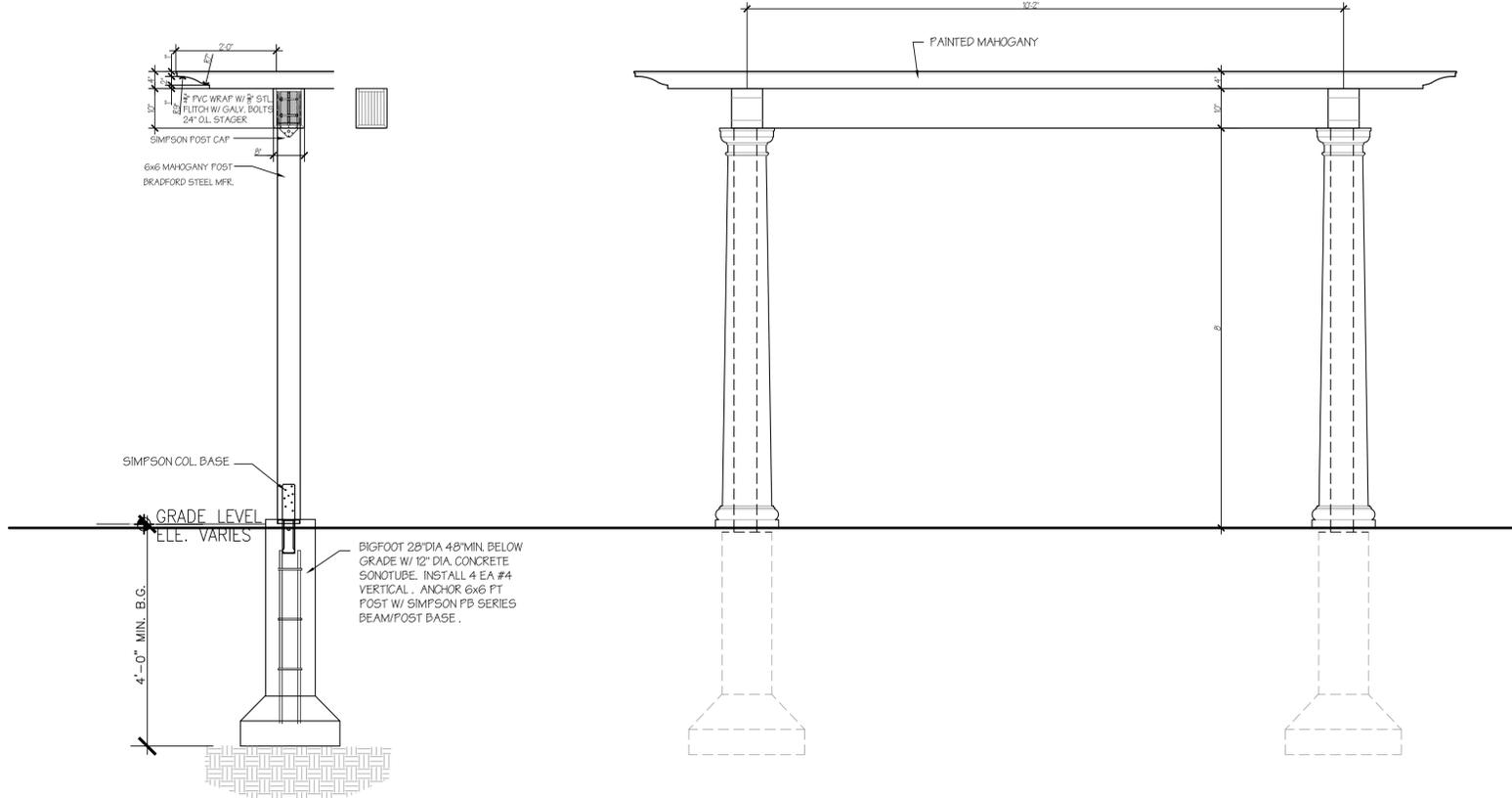
- NOTES:
1. ALL RETAINING WALL TO BE DESIGNED BY MA LICENSED STRUCTURAL ENGINEER.
 2. GLASS POOL FENCE TO BE DESIGNED BY FENCE MANUFACTURER & IS TO MEET ALL STATE & LOCAL REGULATIONS



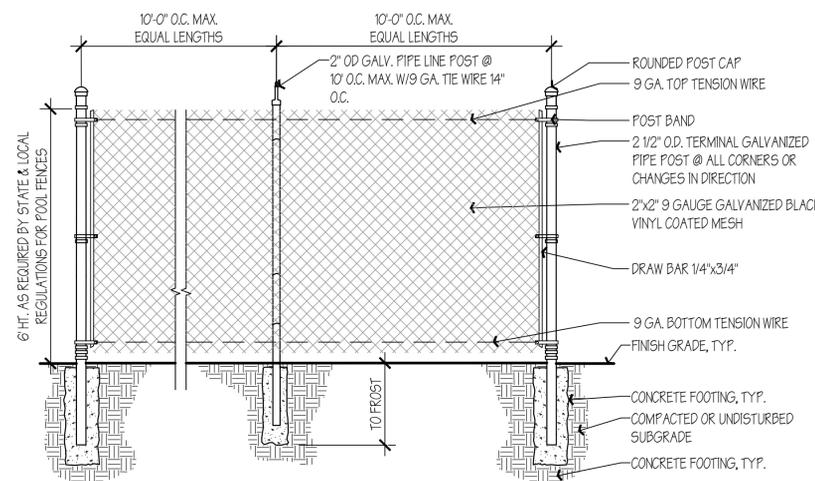
- NOTES:
1. GLASS PANEL FENCING TO BE APPROVED BY THE BOARD OF HEALTH PRIOR TO INSTALLATION.
 2. CONTRACTOR RESPONSIBLE TO APPLY FOR AND ATTAIN ANY NECESSARY PERMITTING FOR FENCE CONSTRUCTION.
 3. ALL SPACING TO BE IN ACCORDANCE WITH STATE & LOCAL REGULATIONS FOR POOL FENCES.
 4. FENCE CONTRACTOR SHALL VERIFY & INSTALL FENCE IN ACCORDANCE WITH STATE & LOCAL REGULATIONS FOR POOL FENCES.
 5. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO L.A. FOR APPROVAL PRIOR TO FABRICATION.
 6. CONTRACTOR TO REPORT ANY DISCREPANCIES TO L.A. PRIOR TO FABRICATION / INSTALLATION.

Glass Pool Fence & Gate 6' HT

Scale: 1" = 1'-0"



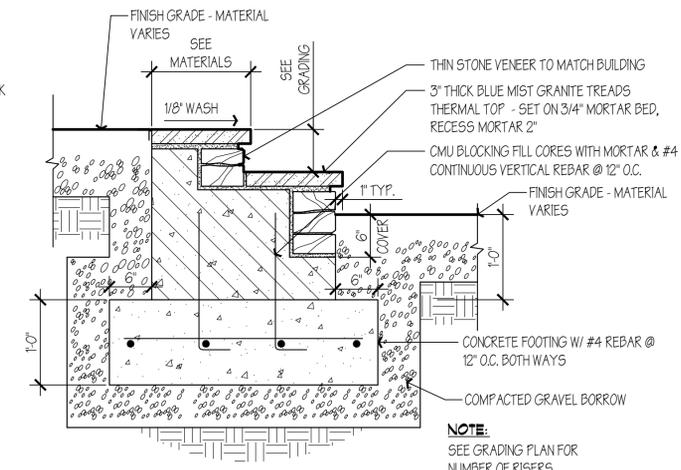
Turncraft Pergola: Tuscan Style - To Match Building Pergola
Scale: NTS



- NOTES:
1. ALL WIRE FABRIC AND FENCE HARDWARE SHALL BE GALVANIZED.
 2. FABRIC SHALL BE INSTALLED ON THE OUTSIDE OF POST.
 3. WIRE FABRIC TO BE BLACK VINYL COATED.

Chain Link Pool Fence 6' HT.

Scale: 1/2" = 1'-0"



- NOTE:
SEE GRADING PLAN FOR NUMBER OF RISERS

Stone Tread & Risers CMU

Scale: 1" = 1'-0"

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Date: 11/30/20

Revisions:
Num. Date Description

THOMAS E. MILLER
LANDSCAPE ARCHITECT
NO. 915
STATE OF MASSACHUSETTS
11/30/20

Wychmere Beach Club
22 Snow Inn Rd, Harwich Port, MA
Longwood Venues / Atlas Development

Drawn By: TM Checked By: DH

Construction Details

Scale: As Noted

Sheet: **D1.1**

Project: _____
 Fixture Type: _____
 Location: _____
 Contact: _____

PCPTS SERIES

LED Post-Top Designer

Specifications:

Construction:

Traditional style post top luminaire with decorative cast aluminum cap mechanically attached to optical chamber. Cast aluminum multi-sided cap with UV stabilized acrylic lenses sealed for weather light operation. Aluminum over electrical chamber with bottom flange to mount to 3" O.D. x 1/4" hex.

Optics:

One piece optical system with internal brass standoffs soldered to the board which can be field replaced. Two piece die cut silicone and polycarbonate foam gasket ensures weather proof seal around each individual LED and allows luminaire to be used for high pressure hose down applications. The optical cartridge is secured to the aluminum heat sink with fasteners to ensure thermal conductivity. Optics held into place without use of adhesives and complete assembly is gasketed for high pressure hose down cleaning.

Electrical:

Luminaire equipped with LED driver that operates with 120-277V universal voltage, 50/60Hz and includes 0-10V dimming capability. Power factor is 0.99 at full load. All electrical components rated at 50,000 hours at full load and 40°C ambient conditions. Thermal feedback between PCB and driver to protect luminaire from excessive temperature by reducing drive current as necessary. Surge protection standard with device providing surge current rating of 20kA using 5/100 picosecond, LED clamping voltage of 820V and surge rating of 10kA.

Finish:

Polyster powder paint finish that is corrosion resistant and resists surface impacts up to 160 inch-pound.

Listing/Certification:

The luminaire bears an NRTL label and is marked suitable for wet locations.

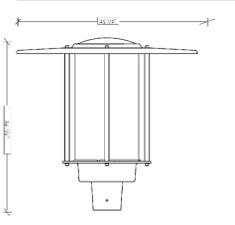
Warranty:

5 year limited warranty covering LED array and LED driver(s).

Images:



Dimensions & Mounting



Series	Wattage	Distribution	Finish	Options
PCPTS	55 - 50W 80 - 80W 110 - 110W	3 - Type 3 4 - Type 4 4B - Type 4 5 - Type 5 Square 5R - Type 5 Round	BZ - Bronze BL - Black ON - Green	IP - Photocell

For more information visit our website: www.progresscommercial.com

Progress Lighting - 701 Millennium Boulevard - Greenville, SC 29607

Project: _____
 Fixture Type: _____
 Location: _____
 Contact: _____

PCAD SERIES

LED Area Designer Lighting

Specifications:

Construction:

The decorative pendant mount luminaire is pendant mounted in place with stainless steel bolts. The driver is located in the cast aluminum top housing and is accessible without tools by lifting the lower shade assembly. The lower shade assembly is a one-piece aluminum extrusion.

Optics:

One piece optical system with internal brass standoffs soldered to the board which can be field replaced. Two piece die cut silicone and polycarbonate foam gasket ensures weather proof seal around each individual LED and allows luminaire to be used for high pressure hose down applications. The optical cartridge is secured to the aluminum heat sink with fasteners to ensure thermal conductivity. Optics held into place without use of adhesives and complete assembly is gasketed for high pressure hose down cleaning.

Electrical:

Luminaire equipped with LED driver that operates with 120-277V universal voltage, 50/60Hz and includes 0-10V dimming capability. Power factor is 0.92 at full load. All electrical components rated at 50,000 hours at full load and 40°C ambient conditions. Thermal feedback between PCB and driver to protect luminaire from excessive temperature by reducing drive current as necessary. Surge protection standard with device providing surge current rating of 20kA using 5/100 picosecond, LED clamping voltage of 820V and surge rating of 10kA.

Finish:

Polyster powder paint finish that is corrosion resistant and resists surface impacts up to 160 inch-pound.

Listing/Certification:

The luminaire bears a CSA label and is marked suitable for wet locations.

Warranty:

5 year limited warranty covering LED array and LED driver(s).

Series	Engine/Wattage	Color Temp	Distribution	Finish	Options
PCADS - Designer Small	27LED - 24LEDS @ 27W	3K - 3000K, 70 CRI	2 - Type 2	BL - Black	PCB20 - 120V Photocell
PCADS - Designer Large	55LED - 24LEDS @ 55W	4K - 4000K, 70 CRI	3 - Type 3 4 - Type 4	BL - Black CR - Cream	PCB22 - 277V Photocell CR - Cast Rings BC - Barlight Control

For more information visit our website: www.progresslighting.com

Progress Lighting - 701 Millennium Boulevard - Greenville, SC 29607

Kick™ - KB6 Bollard

TYPE

- FEATURES**
- Sensor and wireless operation
 - Field installable optics and housing
 - Customizable side panels
 - 120-277, 347 and 480VAC input
 - IMA Dark Sky Approved with clear lenses and 3000K
 - True IFS distribution
 - 3000K, 4000K, 5000K CCT
 - Uniformly diffused lens
 - 20kV/10kA surge protection
 - Integral thermal protection and 3000K
 - IP66

DIMENSIONS

MODEL	KB6
OVERALL HEIGHT	42" / 1067mm
OVERALL LENGTH	6" / 152mm
OVERALL WIDTH	6" / 152mm
WINDOW HEIGHT	18" / 457mm
WINDOW WIDTH	4" / 101mm
WEIGHT	3.1 lbs / 1.4kg

* Housing and optical distribution are independently field installable at 80° increments. Default factory orientations shown above.



ORDERING INFORMATION

1	2	3	4	5	6	7
KB6	YES	No Shield	3000k	TBD	TBD	TBD
Model	Distribution	Shielding	Light Engine	Controls	Voltage	Fixture Finish
1. MODEL KB6 8" Square x 42 OAH bollard	2. DISTRIBUTION Y2 Y3 Y4 Y5 YD	3. SHIELDING Optional, may choose from 1 to 3 slides closed from options A, B, C, D or you may choose HSS option.	4. LIGHT ENGINE 2050 2050 1050 1040 1050 580mm macrochromatic amber and/or custom lumen package available by request. †	5. CONTROL A B C D HSS	6. VOLTAGE 120-277VAC input or may choose one: 347 480	7. FIXTURE FINISH Standard Color AGN BLT CRG DB DGM GT LG MAL MDB MD WR TT WH WCB VJU Premium Color S/M WCP RAL CUSTOM

For more information visit our website: www.progresscommercial.com

Project: _____
 Fixture Type: _____
 Location: _____
 Contact: _____

PCBO SERIES

Walkway Lighting

Specifications:

Construction:

Cast aluminum square or round housing, with tamper resistant hardware; flat top, for round. Single screw access for top replacing.

- Sealed one piece, clear acrylic lens; Spectral analyzed aluminum optical systems; dual reflector and side optics.
- Concealed, galvanized steel anchor base. Four 3/8" x 10" anchor bolts.
- Durable, lab-coated TFC, thermoplastic polyester powder coat paint finish assures long life and maintenance free service.

Electrical:

Universal voltage (120-277V) drivers with +/-10% tolerance, starting temperature rated at -30°C.

- Notable LED assembly adjustment for ideal placement and aiming of symmetric light pattern.
- 24 in high brightness LEDs at 500 mA deliver symmetric distribution at 46 Watts.
- 12 in high brightness LEDs at 700 mA deliver symmetric distribution at 31 Watts.

Warranty:

5 year limited warranty for LED system.

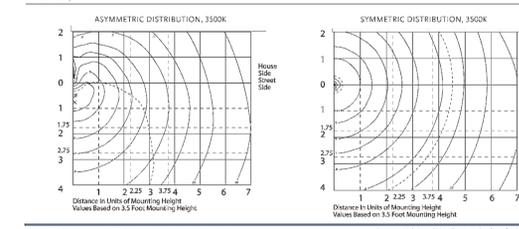
Listing/Certification:

The luminaire is listed to UL 1598 for use in wet locations.

Catalog number:

Series	Distribution	Finish
PCB0R - Bollard Round	ASY - 12 LEDs @ 31W	BZ - Bronze
PCB0S - Bollard Square	SYM - 24 LEDs @ 46W	BL - Black

Photometry:



For more information visit our website: www.progresscommercial.com

Site Light on 12' HT. Pole
Scale: nts

FXLuminaire

LED Wall Lights



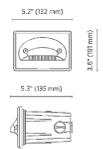
PROJECT: _____
 CATALOG # _____
 TYPE _____
 NOTES _____

UN Wall Light DESIGNER PREMIUM

Subtle, curved design elements adds style to this recessed wall light. 1 LED. Available in brass.

Quick Facts

- Die-cast brass construction
- Natural, powder coated, or antiqued brass finish
- Cree® integrated LEDs
- Tamper-resistant features
- Color temperature filters
- Compatible with Luxor® technology
- Phase and PWM dimmable
- Input voltage: 10-15V



UN Wall Light ORDERING INFORMATION

Fixture	Luxor Option	Output	Finish
UN*	Electrical Zone ZD Zone/Dim	1 LED 7 Lumens	BS Natural Brass BZ Bronze Metallic DG Desert Granite WI Weathered Iron SB Sedona Brown FB Black WG White Gloss FW Flat White AL Almond SV Silver NP Nickel Plate AB Antique Bronze AT Antique Tumbled

EXAMPLE FIXTURE CONFIGURATION:
 UN-ZD-1LED-FB
 *No Sales Sleeve With Cover (250022040000)

MOUNTING OPTIONS: Specify Separately

Accessories	Code
WALL LIGHT CONNECTION KIT	EKITWALL

LANDSCAPE LIGHTING

Bollard Light
Scale: nts

FXLuminaire



PF Path Light DESIGNER PREMIUM

Sleek hat area light in 1 LED. Copper and brass construction.

Quick Facts

- Copper/brass construction
- Natural, powder coated, or antiqued copper/brass
- Cree® integrated LEDs
- Tamper-resistant features
- Color temperature filters
- Compatible with Luxor® technology
- Phase and PWM dimmable
- Input voltage: 10-15V



LANDSCAPE LIGHTING

Path Light
Scale: nts

Alternate Bollard Light
Scale: nts

PF Path Light ORDERING INFORMATION

Fixture	Luxor Option	Output	Riser	Finish
PF*	(default) Zone ZD Zone/Dim	1 LED 35 Lumens	8" (203 mm) Riser 12" (305 mm) Riser 18" (457 mm) Riser 24" (610 mm) Riser 36" (914 mm) Riser	CU Natural Copper BZ Bronze Metallic DG Desert Granite WI Weathered Iron FB Black WG White Gloss FW Flat White AL Almond SV Silver AB Antique Bronze AT Antique Tumbled NP Nickel Plate

EXAMPLE FIXTURE CONFIGURATION: PF-ZD-1LED-12R-CU
 * Ships with Super Slim Splice (252902)

MOUNTING OPTIONS: Specify Separately

Mounts	Code
SUPER J-BOX 2.5" (64 mm) x 12" (305 mm)	SI-XX*
POST MOUNT 2.5" (64 mm) x 1.5" (38 mm)	PM-XX*
GROUND MOUNT 2.7" (67 mm) Diameter	GM-XX*
VERSABOX® 2.2" (57 mm) x 1.5" (38 mm)	VB-050-XX*
PROAIM RATCHETING SPINE 4.5" (112 mm) x 4.0" (102 mm)	PARS
3-PRONG SPINE 5.1" (129 mm) x 9" (229 mm)	3PCS200-20000

*YY = riser height in inches (6" increments between 6" and 36"; 150 mm increments between 150 mm and 900 mm). XX = finish code

LANDSCAPE LIGHTING

Wall / Step Light
Scale: nts

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 Sagamore, MA
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Wychmere Beach Club
 22 Snow Inn Rd, Harwich Port, MA
 Wychmere Harbor Real Estate LLC

Drawn By: TM Checked By: DH

Site Lighting Specifications

Scale: nts
 Sheet: **D2.0**

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
THURSDAY DECEMBER 17, 2020 – 6:30 PM
MEETING MINUTES**

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

BOARD MEMBERS ABSENT: William Stoltz; and Mary Maslowski.

OTHERS PRESENT: Charleen Greenhalgh; Katie O'Neill; Jeanne Mongillo; John Wheeler; William Crowell; Alex Bardin; Ben Zehnder; Dale Nikula; Doug Grant; Susan Ladue.

CALL TO ORDER - 6:37 PM by Chairman Berry with a quorum present.

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

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

Chairman Berry re-opened the hearing at 6:40 PM. The Royal Apartments LLC, as owner, Benjamin E. Zehnder, Esq, Representative, seeks approval of Special Permits for Multifamily Use and Site Plan Review for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.Q (approved at the 9-26-2020 Town Meeting) and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. The hearing was continued from 11/19/20 and the applicant has requested a continuance to January 12, 2021.

Mr. McParland made the motion to continue the hearing to 1/12/2021 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously so voted via roll call 6-0-0.

PB2020-27 NextGrid, Inc, 0 Depot Road, Site Plan Review Special Permit

Chairman Berry re-opened the hearing at 6:42 PM. NextGrid, Inc., as applicant, Brian G. Yergatian, P.E., as representative, and Steven Clark, as owner, seek approval of a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55, in conjunction with §325, Article XXIII to establish a Large Scale Photovoltaic Array at property located at 0

Depot Road, Map 64, Parcel S-1 in the R-R zoning district. The property is only accessible via Mill Hill Road, Chatham. The hearing was continued from 11/19/2020 and the applicant has requested a continuance to January 12, 2021.

Mr. Chadwick made the motion to continue the hearing to 1/12/2021 no earlier than 6:30 PM, seconded by Mr. Rouse, unanimously so voted via roll call 6-0-0.

PB2020-30 Starlight 4 LLLP, 14 Woodland Road, Use Special Permit with Waivers
Representative: William Crowell

Chairman Berry opened the hearing at 6:42 PM by reading the legal notice into the record. Starlight 4 LLLP, owners, William D. Crowell, Esq., representative, seeks approval of a Use Special Permit with waivers for a residential accessory structure with bedrooms. The application is pursuant to the Code of the Town of Harwich §§325-09 and -51. The property is located at 14 Woodland Road, Map 14, Parcel X2-2, in the R-L zoning district.

Attorney Crowell explained the proposal. His clients are a family from Colorado with a large family, who need extra bedrooms. The builder, Dale Nikula, is on the call as well. The garage is in existence. The petitioner seeks to take the existing garage space on the first floor, and convert that to habitable space. The plans show the new addition. This will basically be a carriage house with 4 bedrooms, with a two car garage. The new structure would still meet all the setback requirements, and would be well under the site and building coverage requirements. This is an appropriate site and location, and would not create a nuisance or a hazard. This would not be detrimental to the neighborhood, traffic fumes, or the like.

Mrs. Greenhalgh read departmental input and the Planners report into the record. Health: No issues or concerns with proposal as shown. Note: If the Planning Board approves the plan, then the new septic system must be installed prior to Certificate of Occupancy issuance. Fire and Police Department: No issues DPW: No concerns Engineer: Planning Staff Comments: 1. No issues or concerns with the application as submitted. 2. The following conditions are recommended: a. The accessory structure is not an accessory apartment pursuant to §325-2 Word Usage and Definitions “Dwelling, Single-family with Accessory Apartment” and shall not contain a kitchen. b. All Board of Health requirements shall be met, including that a new septic system must be installed prior to Certificate of Occupancy issuance. c. There shall be no rental or letting of these bedrooms. d. Any changes of the use or changes to the plan may be subject to further Planning Board review. e. The special permit decision shall be recorded at the Registry of Deeds

Mr. Chadwick asked for clarification on the garage, and number of parking spaces, which was answered by Dale Nikula. The garage is being transformed to a one car garage with boat storage.

Mr. McParland stated that this is the same setup that he has at his home, but with a two car garage.

Mr. Harris pointed out that site plan A0.1 is incorrect. It was clarified that the plan stamped by John O'Reilly is the correct site plan, as it is stamped.

Mr. Grant, an abutter at 26 Bayview Road, asked if there will be a driveway because the site plan does not reflect that. He asked that with 8 bedrooms there will only be one parking space?

Mr. Crowell stated that there is no parking requirement for houses.

Mr. McParland stated that there is room in front of the garage to park at least two cars.

Mr. Grant stated that he doesn't have any issues, but the plans do not reflect what they are saying they propose.

It was again clarified that the Site Plan submitted by J.M. O'Reilly is the correct stamped plan.

Mr. Grant had questions on the construction time line. It was replied that most will be done by summer.

Mr. Chadwick made the motion to close the public hearing at 6:59 pm, seconded by Vice-Chairman Peterson unanimously so voted via roll call. Mr. McParland was briefly dropped from the call, but got back on within a few minutes.

Vice-Chairman Peterson made the motion to waive any and all commercial or residential requirements of the Bylaw that are not applicable to this Petition, seconded by Mr. Harris, unanimously so voted via roll call (5-0-0, Mr. McParland lost connection so did not vote).

Vice-Chairman Peterson made the motion to adopt the following findings of fact: 1. The property is located within the R-L Zoning District. 2. The use is consistent with the Zoning Code and will not adversely affect the neighborhood. 3. The site is an appropriate location for such use. 4. The accessory structure shall not contain a stove and therefore is not a kitchen and is not an accessory apartment as defined in §325-2 Word Usage and Definitions "Dwelling, Single-family with Accessory Apartment". 5. The proposed parking area will provide sufficient off street parking which meets the minimum requirements of Town Code and as such, there will be no nuisance or serious hazard to vehicles or pedestrians. Seconded by Mr. Harris, unanimously so voted via roll call. (5-0-0, Mr. McParland lost connection so did not vote).

Vice-Chairman Peterson made the motion to approve with conditions and waivers the Use Special Permit for PB2020-30 Starlight 4 LLLP, for a residential accessory structure with two (2) additional bedrooms, pursuant to the Code of the Town of Harwich §§325-09 and -51 for property located at 14 Woodland Road, Map 14, Parcel X2-2, in the R-L zoning district. The approval is based on the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich with the above findings and following conditions: 1. The accessory structure is not an Accessory Apartment pursuant to §325-2 Word Usage and Definitions "Dwelling, Single-family with Accessory Apartment" and shall not contain a kitchen. 2. All Board of Health requirements shall be met, including that a new septic system must be installed prior to Certificate of Occupancy issuance. 3. There shall be no rental or letting of these bedrooms. 4. Any changes of the use or changes to the plan may be subject to further Planning Board review. 5. The special permit decision shall be recorded at the Registry of

Deeds. Seconded by Mr. Harris, unanimously so voted via roll call (6-0-0, Mr. McParland reconnected).

PB2020-31 711 Main Street LLC, 711 Main Street, Modify Site Plan Review

Chairman Berry opened the hearing at 7:05 PM by reading the legal notice into the record. 711 Main Street LLC, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 to reduce the number of existing parking spaces by one (1) to accommodate the installation of an enclosed mechanical energy appliance (generator) at the rear of the building. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay zoning districts. The applicant has requested a continuance to 1/12/2021.

Mr. McParland made the motion to continue the hearing to 1/12/2021 no earlier than 6:30 PM, seconded by Vice-Chairman Peterson, unanimously so voted via roll call 6-0-0.

MINUTES: December 1, 2020

Vice-Chairman Peterson made the motion to approve the minutes as written, seconded by Mr. McParland, so voted via roll call 5-0-1 with Mr. Harris abstaining.

PB2018-13 & PB2020-12 Eastward MBT LLC - Request for Town Snow Plowing Bascom Hollow

Susan Ladue presented the request to add Bascom Hollow to the plow list. Last year the Planning Board released all the lots from the covenant. The Board is holding a security bond in the amount of \$13,598 for the completion of the sidewalk and final as-built drawings. They are installing sections of the sidewalk as they build houses on each lot and complete the associated site work. The road construction has been complete for the last year and the road is in excellent condition. Therefore, there are no issues with the road surface. Three homes on Bascom Hollow have been completed and are occupied by year round residents. Two new homes are currently under construction. Construction vehicles, delivery trucks, and residents are regularly using the street. They would like to have this street be added to the snow plow list.

Mrs. Greenhalgh reported that she and the Town Engineering, Griffin Ryder reviewed and discussed this request. At this time, and based on §400-14.R of the Subdivision Rules and Regulations, they cannot support this request. §400-14.R states that: “Roadway maintenance. If released from restrictions with regard to sale of lots or buildings on lots by the posting of a performance bond or other security, the applicant shall maintain the roadway for vehicular traffic in a manner satisfactory to the Board.” All lots have been released from covenant; however there is now a cash surety in place.

Mr. Chadwick asked how many lots still needed sidewalks, which was answered by Ms. Ladue. There are currently four lots without sidewalks.

Mr. Chadwick made the motion to deny the request based on the rules and regulations stated in §400-14.R as spelled out by the Town Planner, seconded by Mr. McParland, unanimously so

voted via roll call (5-0-0). Mr. Rouse was not eligible to vote on a subdivision matter as an alternate.

2020 ANNUAL REPORT

Mrs. Greenhalgh stated that this will be what is presented in the Annual Town Report, and in annual meeting with the Board of Selectmen. This will be further discussed at the next meeting.

WEST HARWICH DCPC - Continued discussion on Design Guidelines

Chairman Berry summarized the process to this point. There have been three meetings with the Cape Cod Commission, where they have discussed design guidelines for the Special District. The Commission is working to help develop visuals. The goal is to have a very compact, compressed, set of guidelines.

BRIEFINGS AND REPORTS BY BOARD MEMBERS:

The Town Planner's open position was discussed.

ADJOURNMENT:

Vice-Chairman Peterson made the motion to adjourn at 7:23 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. O'Neill

Adopted:

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

AGENDA ITEM IV.A.2

December 29, 2020

To: Planning Board
From: Charleen Greenhalgh, Interim Town Planner
Re: Possible Zoning Amendments and other Changes to Rules and Regulations

Other than the changes associated with the West Harwich Special District, there are several additional amendments to zoning and the rules and regulations that the Planning Board may wish to discuss:

Zoning Amendments:

1. There will need to be changes made to the Flood Plain Requirements, Article XVII, §325-104 through 108.1. These do not need to be address at the 2021 Annual Town Meeting, but will be required soon after in order to keep the Town of Harwich Community Rating System status in good standing.
2. Perhaps a new section regarding erosion control. With the heavier rains that we have been experiencing and erosion control bylaw might be helpful. This could be a new §325-18. It would likely be subparagraph “R” assuming the Attorney General approves the zoning amendments from the September Town Meeting.

Here is an example from another community:

Erosion Control. If the Building Inspector determines that erosion controls are necessary, erosion controls adequate to prevent damage to abutting properties or roadway shall be required for any project, building or structure which will alter in any manner the property in question. Erosion controls shall be adequate to prevent eroded material from entering, or siltation onto abutting properties or roads. Erosion control measures shall be taken prior to the commencement of work and shall remain in place until the disturbed areas have been stabilized permanently.

3. §325-42.L – The MRL and MRL-1 parking setbacks to streets, side and rear lots lines is 50 feet. When the Planning Board amended the zoning bylaws related to Multi-family at the September 2020 Annual Town Meeting, it would appear that amendments to this requirement was inadvertently omitted. It is recommended that the setbacks for parking be changed to a less restrictive setbacks, particularly for multifamily developments. Perhaps for existing improved properties, there could be the allowance for the existing setbacks and unimproved properties another setback.

For example:

- A. On already improved properties, the setbacks for parking shall be established at the time of the site plan review.*
- B. For vacant lands to be developed for any purpose, other than single-family, two-family and single-family with accessory apartment, the minimum setbacks for parking shall be 20 feet from the street, and 10 feet from the side and rear property lines.*

Rules and Regulations

Back in 2008 the Town of Harwich codified the bylaws within the Town. For some reason the Planning Board's Rules and Regulations ("Rules and Regs"), formally known as Chapter 400 Subdivision of Land and Site Plan Special Permits, was included in the codification. It is not entirely clear as to the reason they were included. Other rules and/or regulations for other Boards/Committees/Commissions are not included in the "Codes". For example the Board of Health Regulations and the Harwich Wetland Regulations (Conservation Commission).

The Planning Board Rules and Regulations need only change with a public hearing notice and a duly held and authorized public hearing. The Rules and Regs should be a document that changes with the times as needed. The Harwich "Codes" are update and printed but once a year. The Rules and Regs should be updated and made available as needed.

The Town Engineer and I have and will continue to work on an update to the Rules and Regulations. Appendix 1, the Rational Method of Drainage Design and other Tables and Figures in Appendices 2 and 3 all are in need updating.

The checklist within Appendix 4 is also in need of corrections and updates.

The Board may also wish to consider changing the abutter notification requirement. Currently the requirement is that the applicant notify the abutters via return receipt certified mail. This is extremely costly and is not required by Massachusetts State Statute or General Laws. As of January 2021 the cost of sending a first class letter via return receipt certified mail will be \$6.96. We recently had an application where there were approximately 85 abutters. The cost as of January would have been \$591.60, just for the mailing.

**Notice to Certain Town Departments
Historic District & Historical Commission**

You are being notified of this public hearing pursuant to the Code of the Town Harwich §131-9.B:

- Historical Society**
- Board of Selectmen**
- Conservation Commission**
- Planning Board**

The Historic District and Historical Commission (HDHC) will hold a public hearing on Wednesday, **January 20, 2021, via remote participation**, to consider the following application(s). The public hearing will begin at 6:00 p.m. followed by a public meeting. The application is attached for your review.

HH2021-01 Notice of Intent (NOI) has been received for 58 Bank Street, Map 14, Parcel Y7, partially in the C-V and the R-H-1 zoning district. The application proposes 100% demolition and rebuild of a single family dwelling. The application is pursuant to the Code of the Town of Harwich Chapter 131, Historic Preservation, Article II. Peter and Corey Lattanzi as Owners, Thomas Moore Design Co. as Applicant.

Mary Maslowski, Chairman

Cape Cod Chronicle – Print Dates: December 31, 2020 & January 7, 2021

Please return any comments on the above case(s) to the HDHC @ Building Department.

- No Comment
- Comments:

Signature: _____ Date: _____

Agenda Item IV.A.4

January 5, 2021

To: Planning Board
From: Charleen Greenhalgh, Interim Town Planner
Re: Staff Report – Approval Not Required (ANR) Plan

PB2020-35 Christopher W. Our and Brian Blanchard, as owners and applicants, Daniel A. Ojala, P.E., P.L.S., as representative seek endorsement of an Approval Not Required plan to reconfigure the existing plans into one (1) lot and four (4) parcels 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” dated December 24, 2020, prepared by Daniel A. Ojala, P.L.S. The properties are located at 103 and 105 Old Harwich Brewster Road, Map 65, Parcels R2 and R3 respectively and are in the R-R & W-R (in part) zoning districts.

The application was received on December 30, 2020. Pursuant to MGL c.401, §81P, the Planning Board has 21-days to act and file a decision with the Town Clerk, which is January 20, 2021.

Pursuant to MGL c.41, §81.L the lot(s) created must have, *frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, 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. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet.*

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. With the notes are the plan regarding the buildability of the parcels and access, the Interim Planner has no questions or concerns.

Other Department Comments are anticipated for the January 12, 2021 meeting.

Findings (vote to adopt):

*This is a **positive finding** the Board may choose to make:*

Said 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.

*This is a **negative finding** (denial) the Board may choose to make:*

The way shown on the plan does not have 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.

Board Vote: *This is a suggested motion, the Board may choose to deny or to take no action.*

Motion to endorse (or deny) the ANR plan entitled “Plan of Land #103 & 105 Old Harwich – Brewster Road, Harwich, MA” dated December 24, 2020, prepared by Daniel A. Ojala, P.L.S.



AGENDA ITEM # III.E

To: Planning Board
From: Charleen Greenhalgh, Town Planner
Date: January 5, 2021
Re: Staff Report – Site Plan Review Special Permit

PB2020-32 Wychmere Harbor Real Estate LLC, applicant & owner, c/o Attorney Andrew Signer, representative, seeks to amend the Site Plan Review Special Permits granted in Cases PB2019-27 and PB2020-23, or in the alternative a new Special Permit to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions. The application is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400. The property is located 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH-3 and R-L zoning districts.

The Planning Board will hold a public hearing on this matter on Tuesday, January 12, 2021 not earlier than 6:30pm. Abutters were notified via certified mail on December 29, 2020.

Description

The applicant seeks approval to amend a Site Plan Review Special Permit cased PB2019-27 and PB2020-23, to make alterations the pool and lawn areas. The application was filed with the Town Clerk on December 1, 2020 and include the following:

1. Form A – Special Permits & Site Plan Review.
2. A project narrative, date stamped received Dec. 1, 2020.
3. Fee of \$525.00.
4. Site Plan prepared by Coastal Engineering Co., for Wychmere Harbor Real Estate, LLC., entitled “Proposed Building and Site Improvements at Wychmere Beach Club”, dated 6-12-19, latest revision date 11/20/2020, prepared and stamped by David J. Michniewicz, P.E., and scale as noted, Sheet C2.2.1;
5. Landscape Submission Set prepared by Hawk Design, Inc., for Wychmere Beach Club, dated (or latest revision date) 11/30/20, as follows:
 - A. L1.0 Overall Site Plan, scale 1” = 20’;
 - B. L1.1 Materials Enlargement Plan, scale 1” = 10’;
 - C. L1.2 Materials Enlargement Plan, scale 1” = 10’;
 - D. L2.0 Planting Site Plan, scale 1” = 20’;
 - E. L2.1 Planting Details, scale 1” = 10’;
 - F. L2.2 Planting Enlargement Plan, scale 1” – 10’;
 - G. L3.0 Overall Site Lighting Site Plan, scale 1” = 20’;

- H. L3.1 Lighting Enlargement Plan, scale 1" = 10';
- I. L3.2 Lighting Enlargement Plan, scale 1" = 10';
- J. L4.0 Overall Grading Site Plan, scale 1" = 10';
- K. L4.1 Grading Enlargement Plan, scale 1" = 10';
- L. L4.2 Grading Enlargement Plan, scale 1" = 10';
- M. D1.0 Construction Details, scale as noted;
- N. D1.1 Construction Details, scale as noted;
- O. D2.0 Site Lighting Specifications.

The proposed amendments per Attorney Singer's narrative is *"to make additional alterations to the previously-approved design of the redeveloped Beach Club at the southern end of the Property – redesignate the approved "infant pool" to "young adult pool", and add an infant pool, create a fenced, natural-lawn service alley along the east side, and make accompanying landscape and walkway revisions. There will be no change to the previously-approved buildings or use."*

MGL Reference and Planning Board Jurisdiction

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

The Planning Board has jurisdiction to review this application pursuant to the Code of Town of Harwich:

§325-55 for Site Plan Review Special Permit for the reconfiguration of an existing parking lot. Further, pursuant to §325-55.E.(1) *"If the site plan meets the requirements of this By-law and the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended, the Planning Board shall approve it"*. However, the Board cannot deny approval of a site plan for a use which is allowed by right (not by special permit) in the district, but may impose reasonable conditions on the proposed use. Please refer to §325-55.E. for specific allowable conditions.

Waivers At this time no waivers have been requested.

Comments from other Boards, Departments, Committees

Health: Must have a Board of Health Pool Application Permit and passing inspection prior to use; Owners/Contractors are responsible for ensuring that all requirements under 105 CMR 435.00 are met; Food service permits are required prior to opening, and; Applicant must submit kitchen design plans to health Department prior to construction.

Fire & Highway: No issues or concerns.

Water: 8" Water main to be moved two feet away from all structures; Field lock gaskets be used at all joints and fixtures; Approved inspector be on site for moving or reinstalling all water main/services/fire services, and; Pressure test of new main being installed to Water Department guide lines.

Engineering: The Town Engineer reviewed the plans with the Town Planner; comments are noted below.

Planning Staff Comments

1. The Town Engineer and Interim Town Planner reviewed the plans on December 15, 2020. All items raised at that time have been addressed; however, we will be needing a revised site plans showing the correct lot coverage.
2. As noted, the applicant does need to return to the Zoning Board of Appeals for additional relief. Staff recommends that the Planning Board not make a decision until such time as the Zoning Board of Appeals has acted.
3. The Town of Harwich Comprehensive Stormwater and Illicit Discharge Permit has been formalized. Previously it had not been, so staff was recommending that the permit be made a condition of approval. However, now that it has been formalized, please note that the CSID Permit regulations clearly state that *“Prior to the issuance of any Special Permit, Site Plan Approval, or Building Permit for any proposed development listed below, a Local Stormwater Permit must be approved by the Stormwater Authority. No person shall, on or after the effective date of the by-law, initiate any vegetation clearing, land grading, earth moving or development activities without first complying with these Regulations.* Base on this staff recommends that the Planning Board not make a decision until such time the Local Stormwater Permit is approved. This could be a joint meeting between the Planning Board and the Stormwater Authority (Town Engineer).
4. The only recommendation that staff can make at this time is a continuance of the public hearing to a date and time certain to allow for the questions raised by the Town Engineer and Interim Town Planner to be addressed, the Zoning Board of Appeals to take action and a Local Stormwater Permit is approved.

Recommended Motion for a continuance

Move to continue the hearing for **PB2020-32 Wychmere Harbor Real Estate LLC**, to no earlier than 6:30 pm on _____ (*Feb. 9, Feb. 23, March 9, March 23*) to address the items raised in the Interim Town Planner’s Staff Report dated December 30, 2020.