

**Harwich Planning Board Agenda**  
**Griffin Room, Town Hall, 732 Main Street, Harwich**  
**Tuesday, February 25, 2020 – 6:30 PM**

**I. Call to Order - Recording & Taping Notification** – As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the chair.

**II. Public Hearing**

- A. **Continued PB2019-27 Wychmere Harbor Real Estate LLC**, applicant & owner, c/o Attorney Andrew Signer, representative, seeks to amend a Site Plan Review Special Permit granted in Case PB2010-26 by making improvements to the existing beach club; including replacing the existing restaurant/pool equipment building, two swimming pools, the pool decking and other site improvements with a new restaurant building, a small restroom and retail building, a pavilion expansion, two smaller swimming pools and a new concrete pool deck, and various beach amenities. The applicant is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), §325-51 (structure greater than 7500 s.f.) and Chapter 400. The property is located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12. *Hearing continued from January 28, 2020.*
- B. **PB2020-03 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 2 Celebration Way, Map 81, Parcel C1-1 in the R-L District.
- C. **PB2020-04 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 6 Celebration Way, Map 81, Parcel C1-2 in the R-L District.
- D. **PB2020-05 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 14 Celebration Way, Map 81, Parcel C1-4 in the R-L District.
- E. **PB2020-06 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 10 Celebration Way, Map 81, Parcel C1-3 in the R-L District.
- F. **Zoning Amendment Public Hearing** - In accordance with the provisions of MGL c.40A §5, the Harwich Planning Board will hold a public hearing on Tuesday, February 25, 2020 not earlier than 6:30 pm in the Donn B. Griffin Room, Harwich Town Hall, 732 Main Street, Harwich, to consider an amendment to the Harwich Zoning Codes:

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

**III. Public Meeting\***

- A. New Business:
- PB2020-07 Kristen Myers, Tr.**, Grey House Property Management Trust as owner, Atty. William Crowell, as representative, seeks approval of a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct a first floor addition, a 12’ x 14’ shed for commercial storage, new first floor access, steps and landing along with improvements to the second floor steps and landing. The property is located at 515 Route 28, Map 14, Parcel Q11-1 in the C-V and V-C overlay zoning districts.
  - PB2015-12 Arthur’s Way Partial Covenant Release Lot 6 & 7**
  - Advisory Opinions: Zoning Board of Appeals February 26, 2020
- B. Meeting Minutes: January 28, 2020 and February 11, 2020
- C. Old Business:
- D. Briefings and Reports by Board Members

**IV. Adjourn**

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

**Next Planning Board Meeting (Subject to Change) – Tuesday, March 10, 2020.**

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

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



**AGENDA ITEM # II.A**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 18, 2020  
Re: Staff Report #2 – Site Plan Review Special Permit

**PB2019-27 Wychmere Harbor Real Estate LLC**, applicant & owner, c/o Attorney Andrew Signer, representative, seeks to amend a Site Plan Review Special Permit granted in Case PB2010-26 by making improvements to the existing beach club; including replacing the existing restaurant/pool equipment building, two swimming pools, the pool decking and other site improvements with a new restaurant building, a small restroom and retail building, a pavilion expansion, two smaller swimming pools and a new concrete pool deck, and various beach amenities. The applicant is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), §325-51 (structure greater than 7500 s.f.) and Chapter 400. The property is located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12.

The Planning Board hearing was opened on August 13, 2019, continued to October 22, 2019, November 7, 2019 and January 14, 2020, with no testimony taken to date. The hearing was continued to Tuesday, January 28, 2020 where testimony was taken and has been continued to February 25, 2020.

**Description**

The applicant seeks approval to amend a Site Plan Review Special Permit for the southerly end of the Wychmere Harbor Beach Club. As provided in the January 17, 2020 narrative *“Specifically, the Applicant is proposing to replace the existing restaurant/pool equipment building, two swimming pools, the concrete pool deck, and some of the wooden decks and other existing site improvements at the swimming pool area as well as to relocate the existing Coastal Pavilion restaurant facilities, all with a new restaurant building, a relocated Coastal Pavilion with attached addition containing restrooms and a small retail space, two smaller swimming pools, new pool reception kiosk, and a new concrete pool deck with integrated open and planting areas.”* The application was filed with the Town Clerk on June 18, 2019 and additional information, documents and plans filed on December 20, 2019, January 9, 2020, January 13, 2020 and January 17, 2020 including the following:

1. Form A – Special Permits & Site Plan Review.
2. A project narrative, date stamped received June 18, 2019.
3. Email Memorandum, date stamped 01-17-2020.
4. Fee of \$2,604.00.
5. Plans prepared by Coastal Engineering Co., for Wychmere Harbor Real Estate, LLC., entitled:

- A. Sheet C1.2.1, “Plans Showing Existing Site Conditions Around Building #12 and the Pool Area”, dated 6-5-19, revised 12-18-19, prepared by John McElwee, P.L.S., scale as noted.
  - B. Sheet C2.2.1, “Proposed Building and Site Improvements”, dated 6-12-19, revised 7-2-19, 12-20-19 and 01-17-2020, prepared by David J. Michniewicz, P.E., and scale as noted.
  - C. Sheet C2.4.1, “Site and Drainage Details”, dated 6-18-19, revised 7-9-19 and 12-20-19, prepared by David J. Michniewicz, P.E., and scale as noted.
6. Plans prepared by GS Design Group Inc., dated 12/20/19, no professional stamps, scaled as noted and includes the following sheets:
- “**The Beach Grill**”
    - A. A0.0, “Cover Sheet”
    - B. A1.0, “Ground Floor Plan”
    - C. A1.1, “First Floor Floor Plan”
    - D. A1.2, “Roof Plan”
    - E. A2.0
    - F. A2.1, “Elevations”
  - “**Coastal**”
    - A. A1.0, “Ground Floor Plan & Elevation”
    - B. A1.1 “Elevations”
7. Plans prepared by Hawk Design, Inc., for Wychmere Beach Club, dated 12/18/19, not stamped, scale 1”=20’, entitled “Landscape Submission Plan”, 3 pages, Sheets:
- 1. L1.0
  - 2. L2.0
  - 3. L2.1
8. Lighting Plans as follows:
- 1. Sheet LX, prepared by Hawk Design, Inc. for Wychmere Beach Club, dated 12/06/2019, CL Markups date 12-20-19
  - 2. Sheet A1.2, prepared by GS Design Group Inc. for The Beach Club, Roof Plan, dated 12/20/19, CL Markups date 1-08-20
9. “Stormwater Management Report”, dated July 9, 2019, revised December 19, 2019, prepared by David J. Michniewicz, P.E.
10. Photometric Test Reports prepared by Javier Caban, Technician, Prepared for Auroralight Inc., as follows:
- 1. Catalog Number HPL6-3-30, Order Number 11745044, Test Number 11745044.14, Test Date 2017-05-12
  - 2. Catalog Number HPL6-2-27, Order Number 11745044, Test Number 11745044.11, Test Date 2017-05-10
  - 3. Catalog Number HPL6-2-30, Order Number 11745044, Test Number 11745044.12, Test Date 2017-05-12
  - 4. Catalog Number HPL6-3-27, Order Number 11745044, Test Number 11745044.13, Test Date 2017-05-12
11. Cut Sheet for a variety of proposed outdoor lights, available for review electronically or in the case file.

At the meeting on January 28, 2020, the Board requested additional information, including an elevation plan showing the existing and proposed building elevation for the main building, a revised landscape plan and site plan. On February 11, 2020, the following information was filed with the Town Clerk:

1. Plans prepared by GS Design Group Inc., dated 1/29/20 (unless otherwise noted), no professional stamps, scaled as noted and includes the following sheets:
  - “The Beach Grill”**
  - A. A1.1, “First Floor Plan”
  - B. A1.2, “Roof Plan”
  - C. A1.0, “Ground Floor Plan”
  - D. A2.0, “Elevations”, dated 2/10/2020
  - E. A2.1, “Elevations”, dated 2/10/2020
  - F. EBO-1, “Elevations Existing Overlay”, dated 2/10/2020
2. Plans prepared by Hawk Design, Inc., for Wychmere Beach Club, dated 02/11/20, not stamped, scale 1”=20’, entitled “Landscape Submission Plan”, Sheets:
  - A. L1.0 Materials Plan
  - B. L2.0 Landscape Plan
  - C. L2.1 Planting Details
  - D. L3.0 Site Lighting Plan
  - E. D1.0 Construction Details
  - F. D2.0 Site Lighting Specifications
3. Plan prepared by Coastal Engineering Co., for Wychmere Harbor Real Estate, LLC., entitled “Proposed Building and Site Improvements”, dated 6-12-19, revised 7-2-19, 12-20-19, 01-17-2020 and 02/10/2020, prepared by David J. Michniewicz, P.E., and scale as noted, Sheet C2.2.1,

**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.

Additionally however, please also note that §325-9 – Permitted Uses, provides in part that, [A]ny use presently listed as a permitted use in the Table of Use Regulations shall be designated as a special permit if the use proposes a structure or structures having a gross floor area of more than 7,500 square feet or 20 or more new parking spaces on the site, except that single-family, religious and educational uses shall be exempt from this provision. Some uses listed in the table as allowed as of right (P) or on special permit (S) require a special permit under the site plan provisions of this bylaw.

**Waivers** At this time no waivers have been requested.

### **Comments from other Boards, Departments, Committees**

**Health:** The septic system is regulated through the Department of Environmental Protection with a groundwater discharge permit. I recommend referral to the DEP to ensure the changes are within the scope of the wastewater system and do not require additional inspections.

The proposed restaurant will require a new food service permit through the Health Department. Review of the floor plans and finishes is required prior to approval of a building permit application. Full compliance with the 2013 Federal Food Code is required.

The new swimming pools fall under the jurisdiction of the Health Department and will require a full plan review through our office in addition to the Building Department. Full compliance with 105 CMR 435.00: Minimum Standards for Swimming Pools, the State Sanitary Code Chapter V is required.

**Fire, Police & Highway:** No concerns.

**Conservation:** Review and approvals were received by the Conservation Commission.

**Engineering:** The Town Engineer reviewed the plans with the Town Planner; comments are noted below.

### **Planning Staff Comments**

1. As noted, the Town Engineer and Town Planner met to review the revised plans and application Jan. 8, 2020. Several questions arose, and on Jan. 13, 2020 there was a staff level review with the applicant and several representatives. At this review meeting, several questions and concerns were raised and two revised plans were submitted on January 17, 2020 along with a more descriptive memo of the project.
2. The Town Engineer is awaiting additional information regarding the stormwater drainage.
3. Originally the applicants propose to use artificial turf in an around the pool area; this is no longer proposed.
4. The Conservation Commission did approve the portion of this project that falls within its jurisdiction.
5. Zoning Board of Appeals approved the Special Permit on January 29, 2020. A copy of that decision is attached.
6. At the January 28<sup>th</sup> meeting, several questions were raised about the height of the Beach Club Building. The new sheet A2.0 dated 2/10/2020 by GS Design Group Inc., shows the heights of the proposed building. The maximum height limitation is 50' per the zoning code; the highest point of the proposed building, the cupola, is 44.7 feet.
7. No height dimensions for the Pavilion have been provided.
8. Two additional letters has been received, copies attached.
9. Standard conditions are recommended; including a stormwater drainage review requirement.

### **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 **PB2019-27 Wychmere Harbor Real Estate LLC**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *March 10, March 24, April 14*) 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 RH-3 and R-L zoning districts.
2. The proposed changes of use and alterations to the site were approved by the Zoning Board of Appeals pursuant to Board of Appeals Case #2019-28.
3. The Conservation Commission approved the changes within conservation jurisdiction pursuant to MA DEP SE32-2383 and SE32-2387.
4. The height of the proposed Beach Grill and the Coastal Bar are within the height limitations of the Zoning Code.
5. Building coverage limitations have not been exceeded; 15% is allowable and 11.4% is proposed, which represents an increase from 10.2% building coverage.
6. Amenity and site coverages have decreased slightly.
7. Green space coverages have increased slightly.
8. The use as developed will not adversely affect the neighborhood.
9. The specific site is an appropriate location for such a use, structure or condition.
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.

**III. Vote on the Special Permit for structure greater than 7,500 s.f. (Please Note: An affirmative vote by at least five Planning Board members is required.)**

1. To **approve** case PB2019-27 Wychmere Harbor Real Estate LLC, to amend a Site Plan Review Special Permit granted in Case PB2010-26 pursuant to the Code of the Town of Harwich §325-51 (structure greater than 7500 s.f.) and Chapter 400 for property located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12. The decision is based on the aforementioned finds of fact and the fact that the application meets all the necessary requirements for the granting of the Special Permit.
2. To **approve with conditions** PB2019-27 Wychmere Harbor Real Estate LLC, to amend a Site Plan Review Special Permit granted in Case PB2010-26 pursuant to the Code of the Town of Harwich §325-51 (structure greater than 7500 s.f.) and Chapter 400 for property located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12. The decision is based on the aforementioned finds of fact and the fact that the application meets all the necessary requirements for the granting of the Special Permit with the following conditions imposed: (*Need to state any and all conditions*)

3. To **deny** PB2019-27 Wychmere Harbor Real Estate LLC, to amend a Site Plan Review Special Permit granted in Case PB2010-26 pursuant to the Code of the Town of Harwich §325-51 (structure greater than 7500 s.f.) and Chapter 400 for property located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12. The decision is based on the aforementioned finds of fact and the fact that the application meets all the necessary requirements for the granting of the Special Permit.

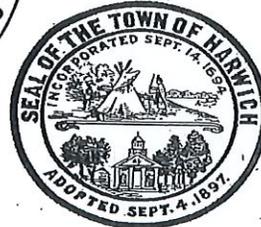
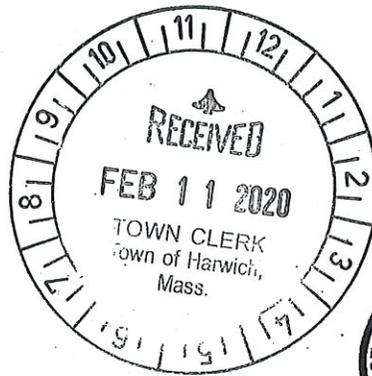
**IV. Vote on Site Plan Review Special Permit:** (*Please Note:* An affirmative vote by at least five Planning Board members is required.)

1. To **approve with conditions** case number **PB2019-27 Wychmere Harbor Real Estate LLC**, to amend pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review) and Chapter 400 a Site Plan Review Special Permit previously granted under PB2010-26 to allow for improvements to the existing beach club; including replacing the existing restaurant/pool equipment building, two swimming pools, the pool decking and other site improvements with a new restaurant building, a small restroom and retail building, a pavilion expansion, two smaller swimming pools and a new concrete pool deck, and various beach amenities for the property located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12. 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 Zoning Board of Appeals and Conservation Commission requirements shall be met.
  - B. The proposed restaurant will require a new food service permit through the Health Department; and shall include the review of the floor plans and finishes which shall be required prior to approval of a building permit application. Full compliance with the 2013 Federal Food Code is required.
  - C. The new swimming pools fall under the jurisdiction of the Health Department and shall require a full plan review through both Health and Building Departments; which shall also include full compliance with 105 CMR 435.00: Minimum Standards for Swimming Pools, the State Sanitary Code Chapter V.
  - D. All signage shall comply with the Sign Code and Building Department Requirements.
  - E. All lighting shall comply with the Lighting Code Requirements.
  - F. All drainage and storm water requirements, local, state and federal, shall be met and approved by the Harwich Town Engineer prior to the commencement of construction operations.
  - G. This decision shall be recorded at the Barnstable 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.

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

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

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



**CASE NO. 2019-28**

APPLICATION OF:

WYCHMERE HARBOR REAL ESTATE, LLC  
UNIT 12, WYCHMERE SHORES CONDOMINIUM  
BEACH CLUB BUILDING  
23 SNOW INN ROAD  
HARWICHPORT, MA

BOOK 24547, PAGE 55  
MAP #8, PARCEL # P-2-12

**DECISION**

The Petitioner requested to amend the Special Permit Decision granted in Case No. 10-39, or in the alternative, a new Special Permit in accordance with Section 325-54(B) of the Harwich Zoning By-Law ["Zoning By-Law"] and M.G.L. Chapter 40A, Section 6, to alter, extend and change the pre-existing nonconforming recreation and amusement services and restaurant use at the facility.

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, and that public notice of such hearing has been given by publication in the Cape Cod Chronicle. The hearing was continued for opening on July 31, 2019; October 30, 2019, and December 4, 2019; and was opened and heard on January 29, 2020.

The following appeared in person in favor of the Petition: Andrew L. Singer, Attorney for the Petitioner; Michael Sharlet and Bill Ganshirt, for the Petitioner; David Michniewicz from Coastal Engineering Co.; George Gakidis from GS Design Group; and David Hawk from Hawk Design, Inc.

Members of the Board present and voting: David Ryer, James Hilliard, Kathleen Muller, Al Donoghue, and Christopher Murphy.

No one appeared in person or through correspondence in opposition to the proposal.

The Petitioners submitted a Proposed Building and Site Improvement Plan prepared by Coastal Engineering, Co., last rev. 1/17/2020 (Sheet C2.2.1); a Landscape Plan prepared by Hawk Design, Inc., dated 12/18/19 (Sheet L2.0); Floor Plans and Elevation Plans prepared by GS Design Group Inc., dated 1/29/2020 (Sheets A1.1, A1.2, A1.0, A2.0, and A2.1) as well as drainage and lighting plans and a Stormwater Management Report prepared by Coastal Engineering, Co.

The Petitioners presented the following information and the Board finds the following as facts in support of its decision:

The Petitioner owns the Wychmere Beach Resort (Units 12-16 of the Wychmere Shores Condominium) located at 23 Snow Inn Road in Harwichport. The Property, which is shown as Parcel P-2 on Harwich Assessors Map 8 and is located in both the R-H-3 and R-L Zoning Districts, is bounded on the south by Nantucket Sound, on the east by the entrance to Wychmere Harbor, on the west by Snow Inn Road and Town-owned beach property, and on the north by residential properties. The 15.0± acre Property is improved with a multi-use function and resort development, encompassing The Beach Resort facilities, including the Wychmere Harbor Club Building (two-story restaurant and function facility); the Wychmere Beach Club (including restaurants, pool bar, swimming pools, and associated amenities); the Snow Inn Building (26-guest room hotel plus offices); the Channel House Building (6-guest room hotel plus fitness club); outside function lawns and decks; eleven (11) residential condominium units in three (3) buildings; and associated parking, wastewater treatment, and amenities.

The Petitioner is requesting permission to make improvements to the beach club facilities at the southern end of the Property as shown on the submitted plans. Specifically, the Petitioner is proposing to replace the existing restaurant/pool equipment building, two swimming pools, the concrete pool deck, and some of the wooden decks and other existing site improvements at the swimming pool area as well as to relocate the existing Coastal Pavilion restaurant facilities, with a new restaurant building, a relocated Coastal Pavilion with attached addition containing restrooms and a small retail space, two smaller swimming pools; new pool reception kiosk, and a new concrete pool deck with integrated open and planting areas. All of the work is proposed within the R-H-3 Zoning District portion of the Property.

The long-time uses at the Property have previously been determined by the Town to be pre-existing nonconforming because they predate current zoning regulations. The long-time site coverage and amenities coverage of the Property (parking areas, pools, spas, and similar impervious amenities and facilities) are also pre-existing nonconforming. As such, the proposal requires special permit relief from the Board of Appeals to alter the pre-existing nonconforming use and conditions. The Zoning By-Law provides that a lawfully pre-existing structure, whether conforming or not; that is used for a lawfully nonconforming use may be changed, altered or extended by Special Permit upon a determination by the Board that the proposal will not be substantially more detrimental to the neighborhood than the existing structure; that it will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, the relevant Zoning Districts or the Town; and that the structure will be used for the same use as existing or for a conforming use.

The desired relief can be granted in accordance with all of the above-referenced special permit criteria and will not be substantially more detrimental than the existing conditions because:

1. There will be no change in the existing private, Beach Club use at the Property, and the Beach Club will continue to be a private facility. The replacement Beach Grill dining facilities will not be open to the general public, and there will be no change in the approved density and use on the Property;
2. The proposal is to continue the existing Beach Club use of the Property with more efficient, more attractive, and improved amenities to enhance the guest experience;
3. The proposed work at the Beach Club will conform to the dimensional requirements of the Zoning By-Law;
4. Building coverage on the Property will remain conforming (11.4±% proposed);
5. Pre-existing nonconforming site coverage on the Property will be reduced from 40.1% to 39.9%;
6. Pre-existing nonconforming amenities coverage on the Property will be reduced from 29.9% to 28.5%;
7. Green space on the Property will total 397,424 sq. ft. (60.1%);
8. The replacement restaurant building will be elevated to meet current flood plain regulations and will result in significant improvement to protection of the environment by removing the existing kitchen, pool and building mechanical equipment, and structure that lie below the base flood elevation;
9. The relocated Coastal Pavilion will be positioned away from the most sensitive wetland resource area;
10. Maximum building height in the RH3 Zoning District is four stories and 50 ft. As shown on the submitted elevation plans, the reconstructed restaurant building (elevated to comply with flood plain regulations) will be a conforming two stories and height (44 ft. 8 in. to the top of the cupola, 36± ft. to the top of the roof bar, and the vast majority of the structure is at 25 ft. 5 in. (31 ft. 11 in. to top of railing). The height of the relocated Coastal Pavilion structure will remain the same (35± ft.);
11. The Harwich Conservation Commission unanimously approved the proposed redevelopment as being better protective of the environment than the pre-existing conditions. Specifically, the Commission looked favorably on:
  - A. The replacement of non-compliant buildings with flood-compliant structures;
  - B. The removal of 27,826± sq. ft. of fertilized lawn area from the Property;

- C. The removal of 128 pounds per year of nitrogen from the ground; and
  - D. The use of natural lawn instead of the synthetic turf previously proposed to the Commission (except in two areas on the lower deck totaling 1,110 sq. ft.) resulting in a net decrease of more than 3,500 sq. ft. of hardscape coverage within conservation jurisdiction and an overall site-wide decrease of 1,432 sq. ft. of impervious site coverage;
12. There will be no change in the currently-permitted occupancy of the Property. Current occupancy on the Property has been previously set by this Board and the Planning Board at a maximum of 650 restaurant seats shared among multiple buildings and function areas; up to 600 members (potential) at the Beach Club; 26 hotel bedrooms plus office space in the Snow Inn Building, six (6) hotel bedrooms in the Channel House Building, and 43 bedrooms in the 11 residential condominium units. As previously reviewed and approved the Board, the on-site restaurant seats are shared between the various venues on site with the maximum number of authorized restaurant seats in use not being exceeded at any given time;
13. There will be no change or intensification in use as part of the proposal, no increase of congestion in public ways and no decrease in traffic safety, no increase in parking demand; and parking will remain sufficient:
- A. With the creation of the new circular drive entrance to the beach club, there will be a reduction of fifteen (15) grass parking spaces from the existing 252 spaces. Shared parking will continue for the non-residential uses, including the previously-established parking management plan which also incorporates off-site parking and shuttle van service during the summer season. The residential condominiums have separate, dedicated parking;
  - B. With the exception of approximately eight (8) weekends during July and August for which a detailed parking management program is in place, there is an excess of parking at the Property. Shared parking will continue for the non-residential uses. The existing eleven residential condominiums have separate, dedicated parking. Exclusive of this existing dedicated residential parking, the commercial parking spaces will continue to service the shared Beach Resort activities. All of the residential unit owners are also members of the Beach Resort and utilize their respective, personal parking spaces;
  - C. During the height of the season, the on-site parking spaces are allocated as needed among Beach Club members, event guests, and hotel guests. Because all events are scheduled months in advance, the Resort operators know how many guests are attending and when. This allows them to manage the parking efficiently to provide adequate coverage for all activities on the Property. Buses are arranged to transport guests to the Property from off-site locations when necessary. All employees park off site and are shuttled or ride bicycles to the Property. The shuttle runs from 8:00 a.m. to midnight on each.

Saturday and Sunday and any other day deemed necessary due to event scheduling (primarily between June 15<sup>th</sup> and Labor Day). In addition, events are staggered such that most functions take place at times when the Beach Club is less active, and Beach Club activity is highest when functions are less active;

14. All runoff will be contained onsite, and drainage and stormwater management at the southern end of the Property will be improved with the proposal;
15. Drainage will be improved by the reconfiguring of the pool deck areas with integrated open areas as well as new green areas and upgrading existing drainage facilities. There will be no adverse impacts to surface water quality or groundwater quality;
16. Utilities serve the site and will not change;
17. A detailed landscape plan program is proposed for the redeveloped beach club facilities;
18. A lighting plan and cut sheets have been provided, and all lighting will comply with the Harwich lighting regulations and will be dark-sky compliant;
19. No negative change is anticipated in artificial light, noise, litter, and odor;
20. The proposal has been designed to aesthetically complement the overall Property;
21. There will be a gate accessible to the Fire Department at the southeast corner of the reconfigured pool area that will allow public safety personnel access as necessary, and the Petitioner agrees to continue working with the Fire Department to allow access when the Department needs to access the jetty to assist boaters in need in Wychmere Harbor;
22. The proposal will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning districts or the Town and will not adversely affect the public health, safety, convenience or general welfare of the Town.

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

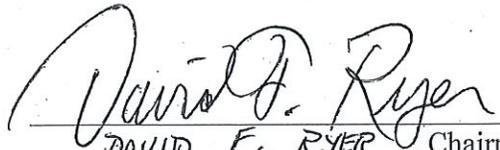
Therefore, a motion was made by James Hilliard, seconded by Christopher Murphy, to grant a new Special Permit under Section 325-54(B) of the Harwich Zoning By-Law and M.G.L. Chapter 40A, Section 6, to alter, extend and change the pre-existing nonconforming recreation and amusement services and restaurant use at the facility with the condition that there shall be no significant exterior building work or site demolition or non-routine landscaping between the period June 30<sup>th</sup> and Labor Day *in any year.*

DFR  
2/11/20

Members of the Board voting in favor: David Ryer, James Hilliard, Kathleen Muller, Al Donoghue, and Christopher Murphy.

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 325-54(B) of the Harwich Zoning By-Law and M.G.L. Chapter 40A, Section 6, to alter, extend and change the pre-existing nonconforming recreation and amusement services and restaurant use at the facility, as shown on the submitted plans is granted with conditions.

  
\_\_\_\_\_  
DAVID F. RYER, Chairman  
2/11/20

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

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

  
\_\_\_\_\_  
Anita Doucette, Town Clerk

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. 2019-28 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.

\_\_\_\_\_  
Anita Doucette, Town Clerk

IF NOT EXERCISED, THIS SPECIAL PERMIT WILL LAPSE 2 YEARS FROM THE DATE OF RELEASE BY THE TOWN CLERK FOLLOWING THE APPEAL PERIOD.

# Law Office of Singer & Singer, LLC

26 Upper County Road  
P. O. Box 67  
Dennisport, Massachusetts 02639

Andrew L. Singer  
Marian S. Rose

\_\_\_\_\_  
Myer R. Singer  
Of Counsel

Tel: (508) 398-2221  
Fax: (508) 398-1568  
www.singer-law.com

February 11, 2020

## **Via Email and Hand Delivery**

Harwich Planning Board  
732 Main Street  
Harwich, MA 02645

Re: 23 Snow Inn Road, Harwichport (Case No. PB2019-27)

Dear Members of the Board:

I am writing to submit the following updated information requested by the Board in connection with the upcoming continued hearing on the above case scheduled for February 25, 2020:

1. Revised Elevations and Floor Plans, including an Elevation Overlay Comparison Sketch of the Existing and Proposed Restaurant Buildings;
2. Revised Site Plans; and
3. Revised Landscape Plans.

Maximum building height in the RH3 Zoning District is four stories and 50 ft. As shown on the submitted elevation plans, the reconstructed restaurant building (elevated to comply with flood plain regulations) will be a conforming two stories and height (49 ft. 8 in. to the top of the cupola, 39 ft. 8 in. to the top of the roof bar, and the vast majority of the structure is at 25 ft. 5 in.). The height of the relocated Coastal Pavilion structure will remain the same (35± ft.).

Thank you for your continued consideration of the Applicant's redevelopment proposal.

Very truly yours,  
*Andrew L. Singer*  
Andrew L. Singer

ALS/a  
Attachments







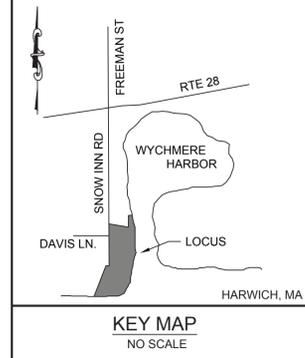








MASS. COORD. SYSTEM (MAD 1983 MAINLAND ZONE)



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

NO.	DATE	REVISION
1	07/02/2019	UPDATE PROPOSED BUILDING FOOTPRINT, POOL LOCATIONS, AND UTILITIES
2	12/20/2019	REVISE PROPOSED POOL AREA AND DRAINAGE
3	01/17/2020	UPDATE LOT AREA AND COVERAGE AREAS IN ZONING TABLE
4	02/10/2020	CHANGE SYNTHETIC TURF TO NATURAL LAWN AT POOL PATIO LEVEL

**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 #2501C0612J 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 (CLOMA) DETERMINATION SHOULD BE APPLIED FOR TO CONFIRM FLOOD INSURANCE REQUIREMENTS.

**DATUM:**

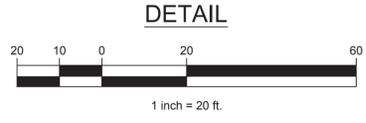
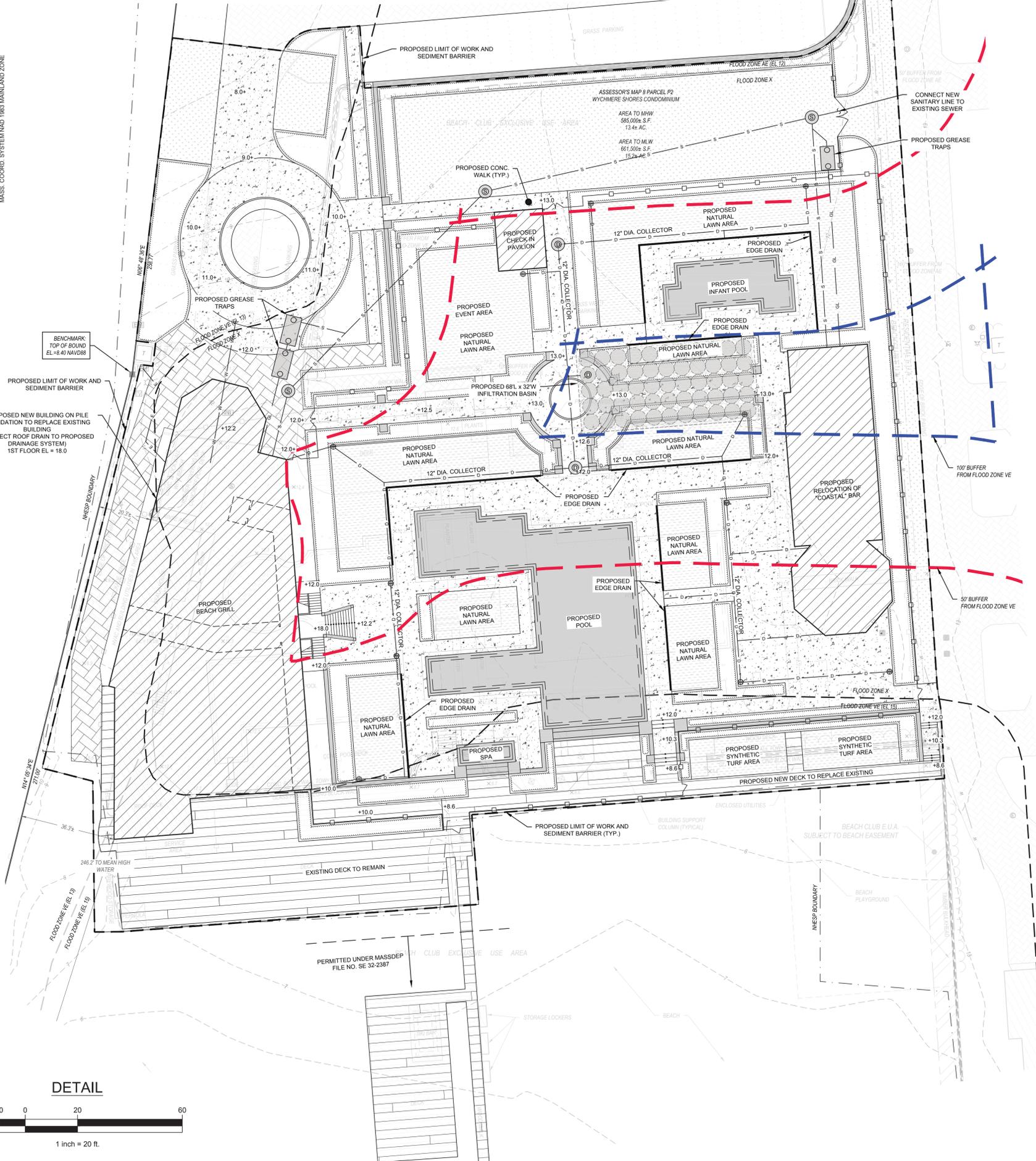
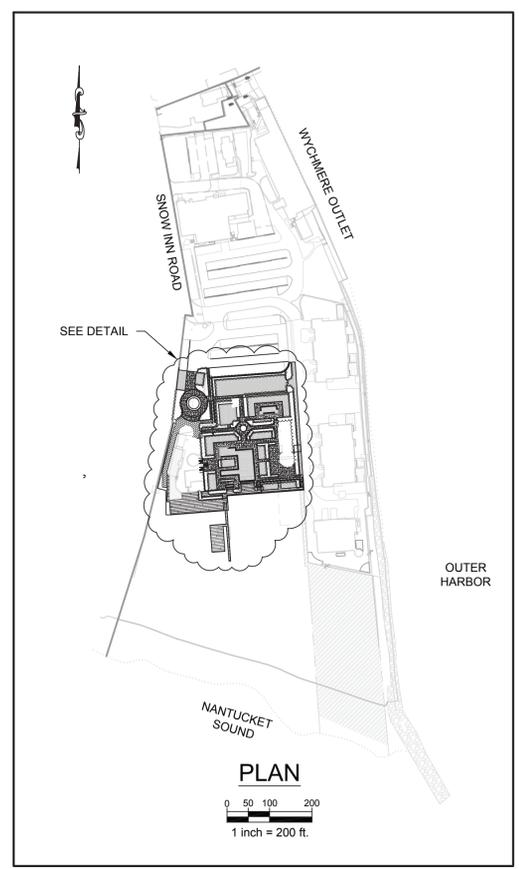
ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

**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 12.2 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	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.)	11.4% (75,715± S.F.)
AMENITIES COVERAGE	15% MAXIMUM	29.9% (197,824± S.F.)	28.5% (188,361± S.F.)
SITE COVERAGE (TOTAL)	35% MAXIMUM	40.1% (265,507± S.F.)	39.9% (264,076± S.F.)
GREEN SPACE	15% MINIMUM	59.9% (395,993± S.F.)	60.1% (397,424± 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.

ISSUED FOR PLANNING BOARD AND ZBA REVIEW

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  
 CHECKED BY: DJM

PROJECT NO. C15766.05



F:\SDSKPRJ\15000\C15766\C15766-05\C15766-C.dwg 2/4/2020 2:48 PM

# WYCHMERE BEACH CLUB

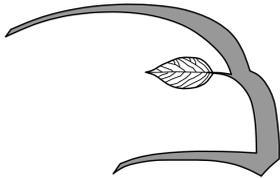
23 SNOW INN RD, HARWICH PORT, MA

## LANDSCAPE SUBMISSION SET

**LIST OF DRAWINGS:**

		SET DATE
L1.0	MATERIALS PLAN	02/11/20
L2.0	LANDSCAPE PLAN	02/11/20
L2.1	PLANTING DETAILS	02/11/20
L3.0	LIGHTING PLAN	02/11/20
D1.0	CONSTRUCTION DETAILS	02/11/20
D2.0	LIGHTING SPECIFICATIONS	02/11/20

PREPARED BY:



**Hawk Design, Inc.**  
Landscape Architecture  
Land Planning  
Sagamore, MA  
508-833-8800  
info@hawkdesigninc.com

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Revisions:

Num.	Date	Description

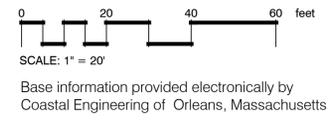
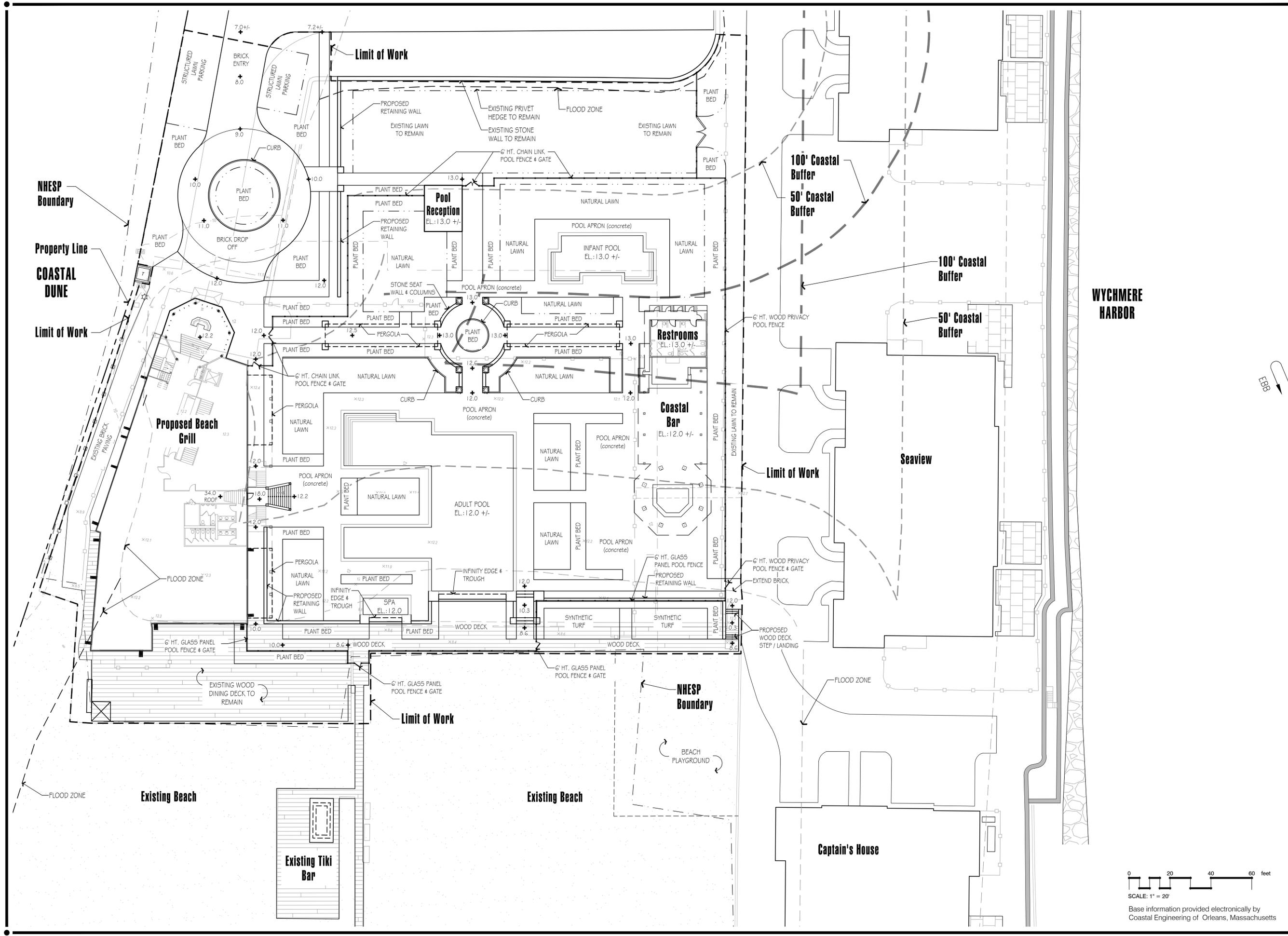
**Wychmere Beach Club**  
 23 Snow Inn Rd, Harwich Port, MA  
 Longwood Venues / Atlas Development

Drawn By: TM    Checked By: DH

**Materials Plan**

Scale: 1" = 20'-0"

Sheet: **L1.0**



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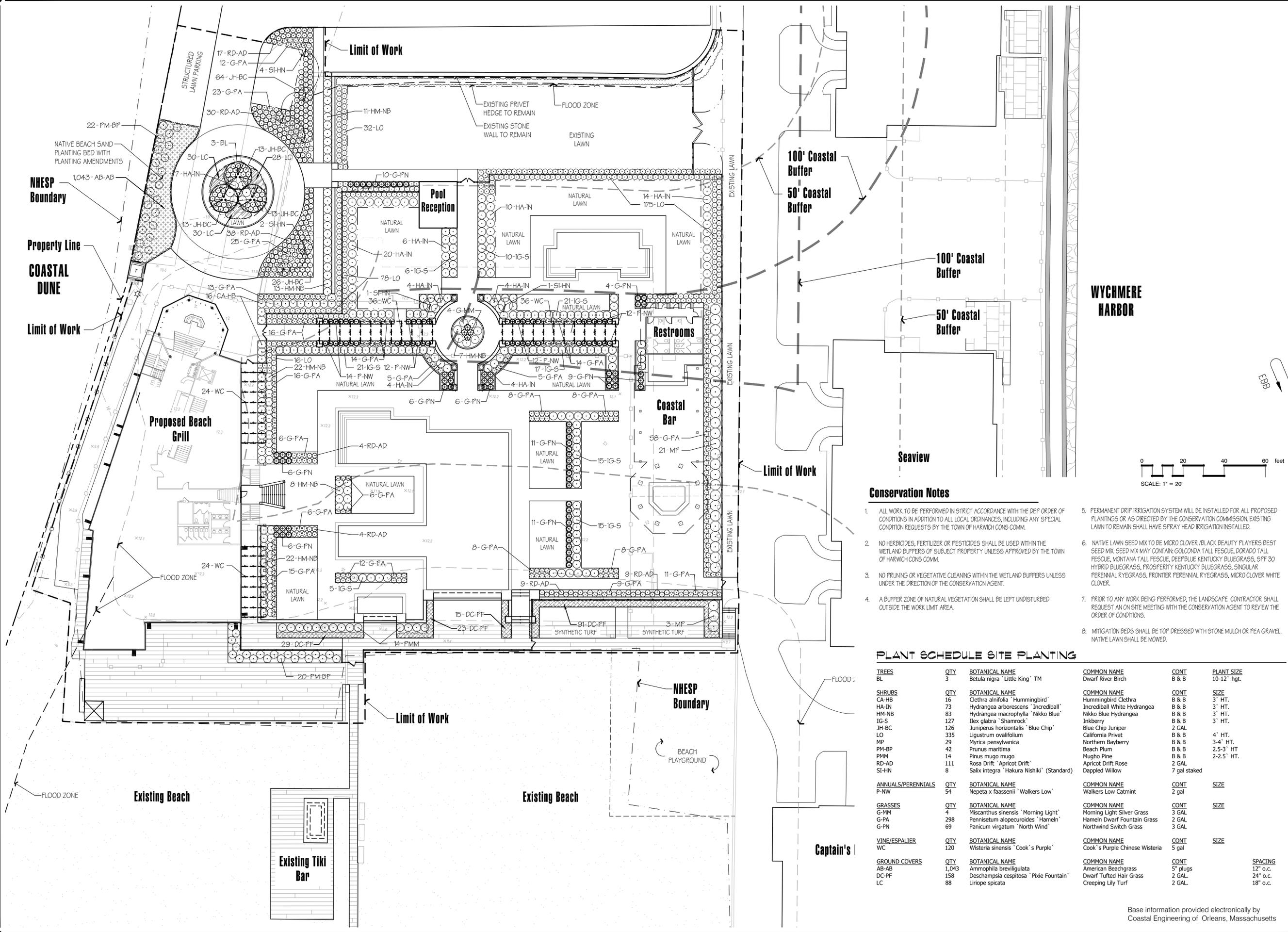
**Wychmere Beach Club**  
 23 Snow Inn Rd, Harwich Port, MA  
 Longwood Venues / Atlas Development

Drawn By: TM Checked By: DH

**Landscape Plan**

Scale: 1" = 20'-0"

Sheet: **L2.0**



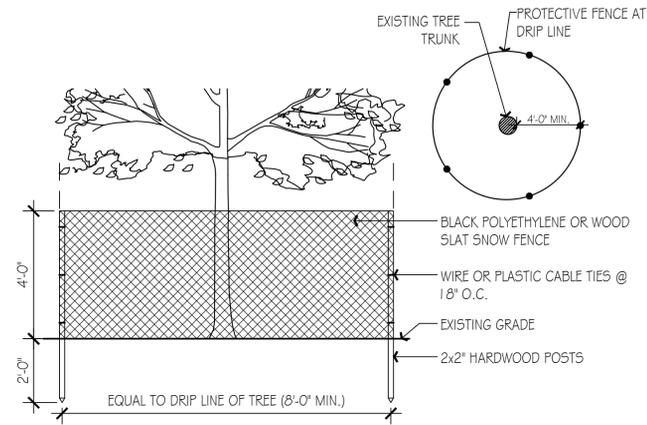
**Conservation Notes**

- 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 CONG COMM.
- NO HERBICIDES, FERTILIZER OR PESTICIDES SHALL BE USED WITHIN THE WETLAND BUFFERS OF SUBJECT PROPERTY UNLESS APPROVED BY THE TOWN OF HARWICH CONG COMM.
- 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, SIFF 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.

**PLANT SCHEDULE SITE PLANTING**

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	PLANT SIZE
BL	3	Betula nigra 'Little King' TM	Dwarf River Birch	B & B	10-12' hgt.
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
CA-HB	16	Clethra alnifolia 'Hummingbird'	Hummingbird Clethra	B & B	3' HT.
HA-IN	73	Hydrangea arborescens 'Incrediball'	Incrediball White Hydrangea	B & B	3' HT.
HM-NB	83	Hydrangea macrophylla 'Niikko Blue'	Nikko Blue Hydrangea	B & B	3' HT.
IG-S	127	Ilex glabra 'Shamrock'	Inkberry	B & B	3' HT.
JH-BC	126	Juniperus horizontalis 'Blue Chip'	Blue Chip Juniper	2 GAL	
LO	335	Ligustrum ovalifolium	California Privet	B & B	4' HT.
MP	29	Myrica pensylvanica	Northern Bayberry	B & B	3-4' HT.
PM-BP	42	Prunus maritima	Beach Plum	B & B	2.5-3' HT.
PMM	14	Pinus mugo mugo	Mugho Pine	B & B	2-2.5' HT.
RD-AD	111	Rosa Drift 'Apricot Drift'	Apricot Drift Rose	2 GAL	
SI-HN	8	Salix integra 'Hakura Nishiki' (Standard)	Dappled Willow	7 gal stacked	
ANNUALS/PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
P-NW	54	Nepeta x faassenii 'Walkers Low'	Walkers Low Catmint	2 gal	
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
G-MM	4	Miscanthus sinensis 'Morning Light'	Morning Light Silver Grass	3 GAL	
G-PA	298	Pennisetum alopecuroides 'Hameln'	Hameln Dwarf Fountain Grass	2 GAL	
G-PN	69	Panicum virgatum 'North Wind'	Northwind Switch Grass	3 GAL	
VINE/ESPALIER	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE
WC	120	Wisteria sinensis 'Cook's Purple'	Cook's Purple Chinese Wisteria	5 gal	
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
AB-AB	1,043	Ammophila breviligulata	American Beachgrass	5" plugs	12" o.c.
DC-PF	158	Deschampsia cespitosa 'Pixie Fountain'	Dwarf Tufted Hair Grass	2 GAL.	24" o.c.
LC	88	Liriope spicata	Creeping Lily Turf	2 GAL.	18" o.c.

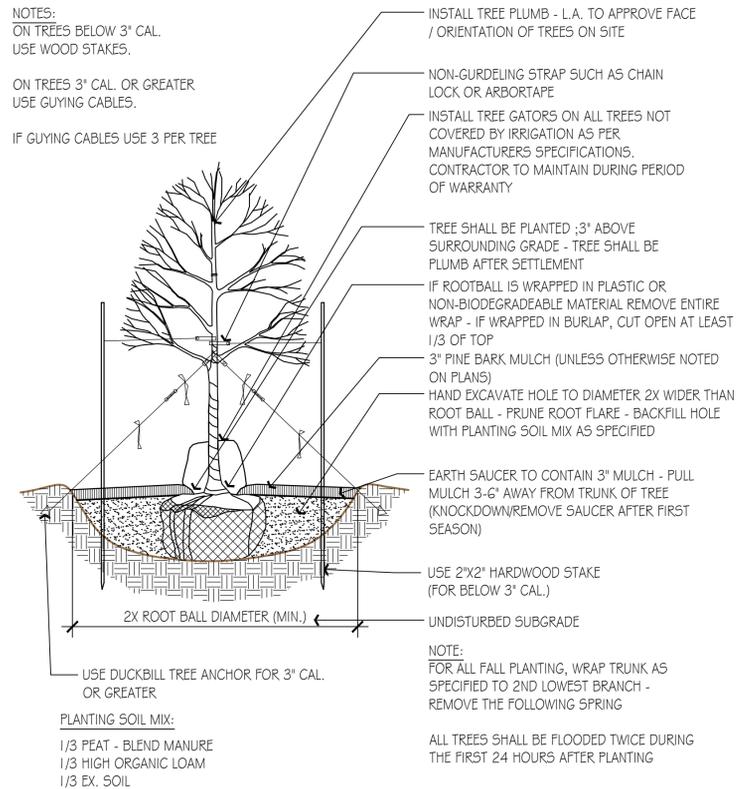
Base information provided electronically by Coastal Engineering of Orleans, Massachusetts



- NOTES:
1. PROTECTIVE FENCE TO REMAIN UNTIL CONSTRUCTION IS COMPLETE.
  2. NO TREE SHALL BE REMOVED UNLESS SPECIFICALLY TAGGED FOR REMOVAL BY THE LANDSCAPE ARCHITECT.
  3. CONTRACTOR SHALL TAKE CARE NOT TO DAMAGE TREES THAT ARE TO REMAIN.
  4. DO NOT NAIL BOARDS OR FENCING TO TREES DURING CONSTRUCTION.
  5. ANY EXCAVATING WITHIN DRIFLINE MUST BE APPROVED BY LANDSCAPE ARCHITECT AND MUST BE HAND-DUG. CONTRACTOR SHALL NOT CUT ANY ROOTS AND/OR BRANCHES UNLESS APPROVED BY LANDSCAPE ARCHITECT.
  6. ROOTS EXPOSED AND/OR DAMAGED DURING GRADING & CONSTRUCTION OPERATIONS SHALL BE CUT OFF CLEANLY INSIDE THE EXPOSED OR DAMAGED AREA AND TOPSOIL BE PLACED OVER THE ROOTS IMMEDIATELY. FEEDER ROOTS SHALL NOT BE CUT IN AN AREA INSIDE DRIP LINE OF THE TREE BRANCHES.
  7. ROOTS GREATER THAN 1" DIAMETER SHALL NOT BE CUT UNLESS OTHERWISE APPROVED BY THE LANDSCAPE ARCHITECT.
  8. STOCKPILED MATERIALS OR UNNECESSARY VEHICULAR TRAFFIC SHALL NOT BE ALLOWED OVER ANY TREE ROOT SYSTEM.
  9. INSPECT FENCE ON WEEKLY BASIS AND REPAIR DAMAGE IMMEDIATELY.

## 1 Tree Protection

Scale: N.T.S.

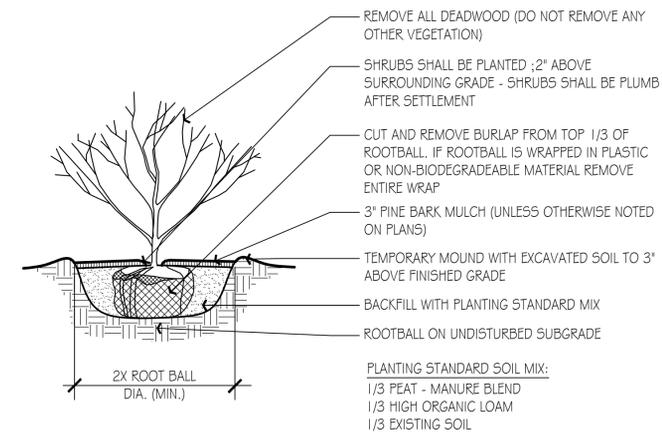


## 2 Deciduous Tree Planting

Scale: N.T.S.

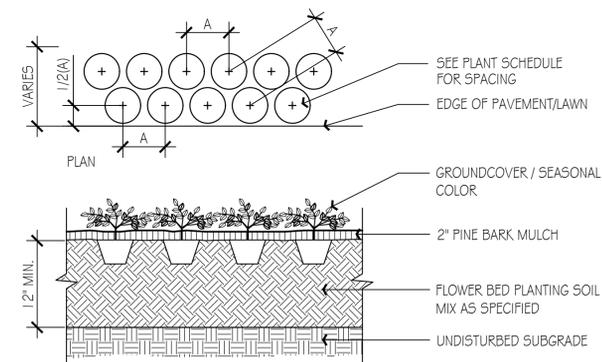
## SCHEDULE OF TOPSOILS & ADDITIVES

LOCATION	DEPTH	DESCRIPTION
GENERAL PLANTING BEDS	12"	1/3 PEAT - MANURE BLEND 1/3 HIGH ORGANIC LOAM 1/3 EXISTING SOIL
FLOWER BEDS	12"	SCREENED LOAM 1/3 PEAT - MANURE BLEND LIME - PELATIZED OR GROUND (50 LB. PER 100 SF.) GROUND BONE MEAL (50 LB. PER 100 SF.) 10-10-10 INORGANIC FERTILIZER (50 LB. PER 5000 SF.)
LAWNS - SOD & SEED	6"	6" SCREENED LOAM
PITS/TREE WELLS "STANDARD MIX" FOR BACKFILL	12"	1/3 PEAT - MANURE BLEND 1/3 HIGH ORGANIC LOAM 1/3 EXISTING SOIL



## 3 Shrub Planting

Scale: N.T.S.



## 4 Seasonal Color / Perennial / Groundcover

Scale: N.T.S.



**Hawk Design, Inc.**  
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Date: 02/11/20

Revisions:

Num. Date Description

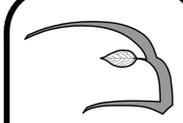
**Wychmere Beach Club**  
 23 Snow Inn Rd, Harwich Port, MA  
 Longwood Venues / Atlas Development

Drawn By: TM Checked By: DH

Planting  
 Details

Scale: nts

Sheet: **L2.1**



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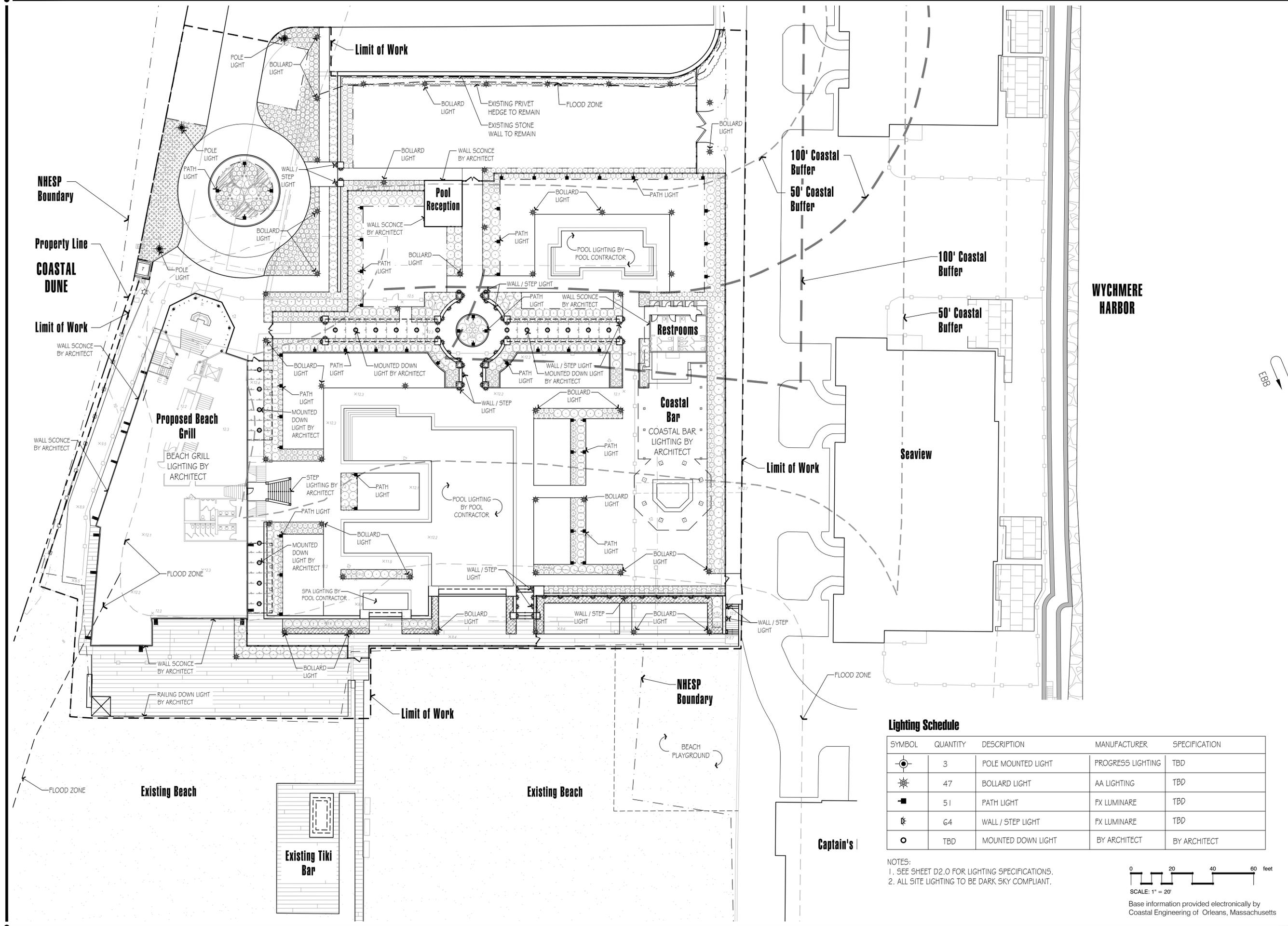
**Wychmere Beach Club**  
23 Snow Inn Rd, Harwich Port, MA  
Longwood Venues / Atlas Development

Drawn By: TM Checked By: DH

**Site Lighting Plan**

Scale: 1" = 20'-0"

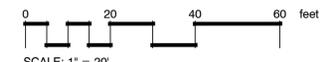
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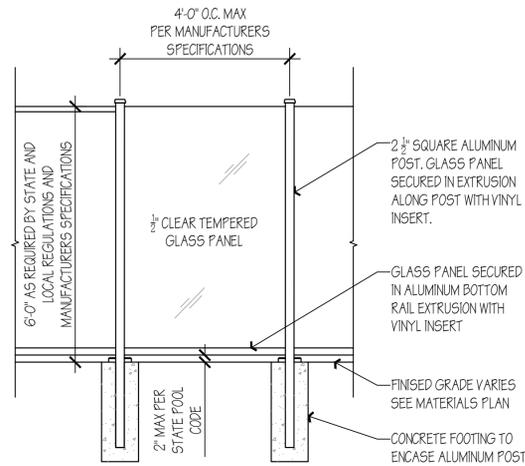
**Lighting Schedule**

SYMBOL	QUANTITY	DESCRIPTION	MANUFACTURER	SPECIFICATION
	3	POLE MOUNTED LIGHT	PROGRESS LIGHTING	TBD
	47	BOLLARD LIGHT	AA LIGHTING	TBD
	51	PATH LIGHT	FX LUMINARE	TBD
	64	WALL / STEP LIGHT	FX LUMINARE	TBD
	TBD	MOUNTED DOWN LIGHT	BY ARCHITECT	BY ARCHITECT

NOTES:  
1. SEE SHEET D2.0 FOR LIGHTING SPECIFICATIONS.  
2. ALL SITE LIGHTING TO BE DARK SKY COMPLIANT.



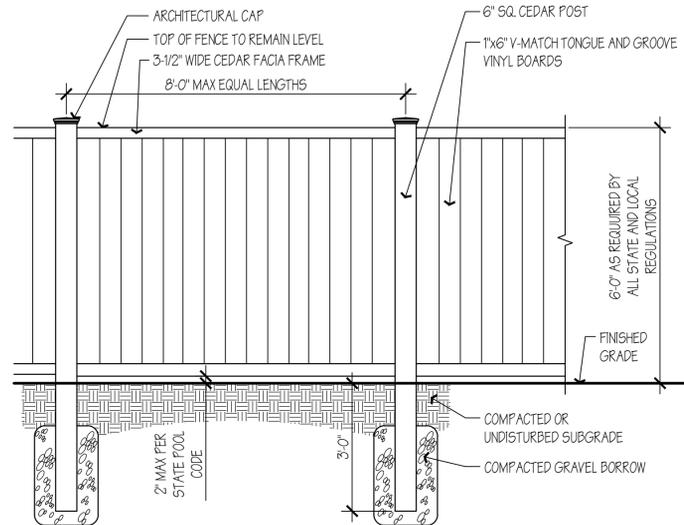
Base information provided electronically by Coastal Engineering of Orleans, Massachusetts



- NOTES:
1. AVAILABLE THROUGH ATLANTIC ALUMINUM PRODUCTS (1-800-601-1870) OR APPROVED EQUAL.
  2. ALL ALUMINUM POST & RAILS TO BE BLACK VINYL.
  3. GLASS PANEL FENCING TO BE APPROVED BY THE BOARD OF HEALTH PRIOR TO INSTALLATION.
  4. CONTRACTOR RESPONSIBLE TO APPLY FOR AND ATTAIN ANY NECESSARY PERMITTING FOR FENCE CONSTRUCTION.
  5. ALL SPACING TO BE IN ACCORDANCE WITH STATE & LOCAL REGULATIONS FOR POOL FENCES.
  6. FENCE CONTRACTOR SHALL VERIFY & INSTALL FENCE IN ACCORDANCE WITH STATE & LOCAL REGULATIONS FOR POOL FENCES.
  7. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO L.A. FOR APPROVAL PRIOR TO FABRICATION.
  8. CONTRACTOR TO REPORT ANY DISCREPANCIES TO L.A. PRIOR TO FABRICATION / INSTALLATION.

### Glass Panel Pool Fence 6' HT.

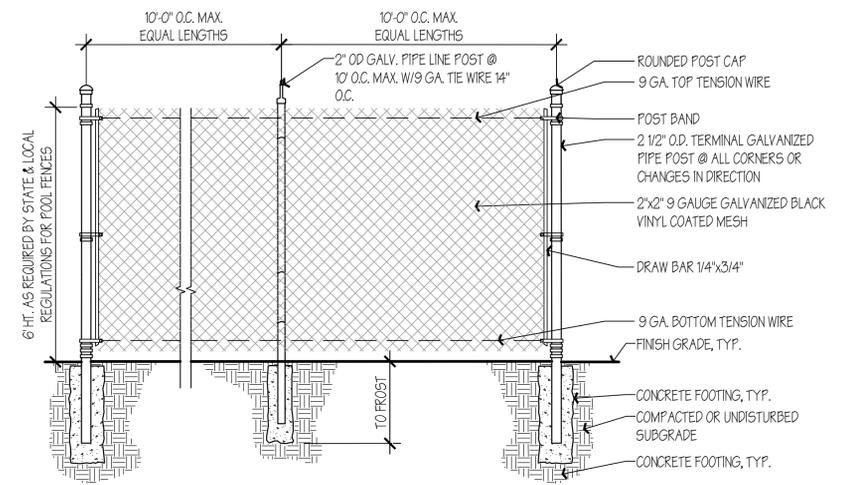
Scale: 1/2" = 1'-0"



- 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

### Wood Privacy Pool Fence 6' HT.

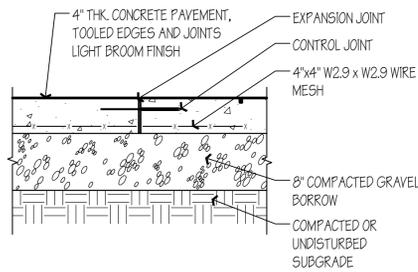
Scale: 1/2" = 1'-0"



- 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.

### Chain Link Pool Fence 6' HT.

Scale: 1/2" = 1'-0"



### Concrete Paving

Scale: 1" = 1'-0"



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Date: 02/11/20

Revisions:  
Num. Date Description

**Wychmere Beach Club**  
23 Snow Inn Rd, Harwich Port, MA  
Longwood Venues / Atlas Development

Drawn By: TM Checked By: DH

Construction  
Details

Scale: As Noted

Sheet: **D1.0**

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 tight operation. Aluminum lower electrical chamber with bottom flange to mount to 1"OD x 4"HT stem.

**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 rated for high-pressure hose down applications. The optical cartridge is secured to the aluminum head 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 8/20µsec wave, 150V clamping voltage of 85V and surge rating of 50µs.

**Finish:**

Polyester powder paint finish that is corrosion resistant and resists surface impacts up to 160 inch-pounds.

**Listing/Certification:**

The luminaire bears an NRTL label and is marked suitable for wet locations.

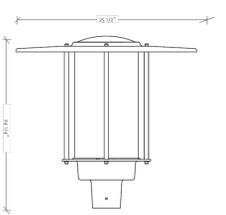
**Warranty:**

5 year limited warranty covering LED array and LED driver(s).

**Images:**



Dimensions & Mounting



Wattage	Lumens
55W	9610 - 8710
80W	8410 - 8020
110W	11220 - 12340

Series	Wattage	Distribution	Finish	Options
PCPTS	55 - 80W 80 - 80W 110 - 110W	3 - Type 3 4 - Type 4 4B - Type 4, Backlight Control 5 - Type 5 Square 5R - Type 5 Round	BZ - Bronze BL - Black GN - Green	BLANK P - Photocell

For more information visit our website: [www.progresscommercial.com](http://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 springing.

**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 rated for high-pressure hose down applications. The optical cartridge is secured to the aluminum head 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 8/20µsec wave, 150V clamping voltage of 85V and surge rating of 50µs.

**Finish:**

Polyester powder paint finish that is corrosion resistant and resists surface impacts up to 160 inch-pounds.

**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).

**Images:**



Dimensions & Mounting



Engine/Wattage	# of LEDs	Delivered Lumens (varies by option)	Delivered LPW	Drive Current (milliamps)
27	24	3500-3900	137-139	350 mA
35	24	6100-6420	107-113	300 mA
85	36	9100-9700	108-114	300 mA
110	48	13400-18000	110-116	300 mA
135	60	15200-16000	111-117	300 mA

Series	Engine/Wattage	Color Temp	Distribution	Finish	Options
PCADS - Designer Small	27LED - 24LEDS @ 27W	3K - 3000K, 20 CRI	2 - Type 2	BZ - Bronze	BLANK
PCADL - Designer Large	55LED - 24LEDS @ 55W	4K - 4000K, 20 CRI	3 - Type 3	BL - Black	PCB20 - 120V Photocell
	85LED - 36LEDS @ 85W		4 - Type 4	GN - Green	PCF77 - 277V Photocell
	110LED - 48LEDS @ 110W		4W - Type 4 Wide		CR - Cast Rings
	135LED - 60LEDS @ 135W		5R - Type 5 Round		BC - Backlight Control

1/2" Large Only

For more information visit our website: [www.progresslighting.com](http://www.progresslighting.com)

Progress Lighting • 701 Millennium Boulevard • Greenville, SC 29607

**KieK™ - KB6 Bollard**

TYPE

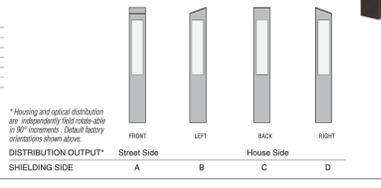
**FEATURES**

- Sensor and wireless operation
- Field replaceable optics and housing
- Customizable shade panels
- 120-277, 347 and 480VAC input
- IDA Dark Sky Approved with clear lenses and 3000K
- True IES distributions
- 3000K, 4000K, 5000K CCT
- Uniformly diffused lens
- 20kV/10kA surge protection
- Integral thermal protection and IP66



**DIMENSIONS**

MODEL	KB6
OVERALL HEIGHT	42" / 1067mm
OVERALL LENGTH	8" / 203mm
OVERALL WIDTH	6" / 152mm
WINDOW HEIGHT	18" / 457mm
WINDOW WIDTH	4" / 102mm
WEIGHT	31 lbs. / 13.9kg



Model	Distribution	Shielding	Light Engine	Controls	Voltage	Fixture Finish
KB6	8" Square x 42 OH bollard	4	4. LIGHT ENGINE 2050 3000K CCT 29 watts 2040 4000K CCT 29 watts 2030 5000K CCT 29 watts 1050 3000K CCT 14 watts 1040 4000K CCT 14 watts 1030 5000K CCT 14 watts 550mm monochromatic amber and/or custom lumen package available by request. 1	7. FIXTURE FINISH Standard Color AGN Artisan Green BL Black BLT Matte Black CRN Cast Iron DB Dark Bronze DCN Dark Green DGN Graphite LG Light Grey MAL Matte Aluminum MOB Bronze Metallic MCG Matten Grey TT Titanium WH Arctic White VWB Weathered Bronze VBU Viridi Blue Premium Color SHK Shamrock SPP Salt and Pepper SFM Saffron WCP Weathered Copper RAL RAL 4 digit Color CUSTOM Custom Color		

- 1. MODEL**  
KB6 8" Square x 42 OH bollard
- 2. DISTRIBUTION**  
Y2 IES Type II, clear lens  
Y3 IES Type III, clear lens  
Y4 IES Type IV, clear lens  
Y5 IES Type V, clear lens  
YD Symmetric distribution, diffused lens
- 3. SHIELDING**  
Optional, may choose from 1 to 3 shades chosen from options A, B, C, D or you may choose HSS option.
- 4. LIGHT ENGINE**  
2050 3000K CCT 29 watts  
2040 4000K CCT 29 watts  
2030 5000K CCT 29 watts  
1050 3000K CCT 14 watts  
1040 4000K CCT 14 watts  
1030 5000K CCT 14 watts  
550mm monochromatic amber and/or custom lumen package available by request. 1
- 5. CONTROL**  
May choose one  
SC-WM Motion Sensor  
WIR #Sense Connectivity  
BPC Button Type Photocell
- 6. VOLTAGE**  
120-277VAC input or may choose one:  
347 347VAC input  
480 480VAC input
- 7. FIXTURE FINISH**  
Standard Color  
AGN Artisan Green  
BL Black  
BLT Matte Black  
CRN Cast Iron  
DB Dark Bronze  
DCN Dark Green  
DGN Graphite  
LG Light Grey  
MAL Matte Aluminum  
MOB Bronze Metallic  
MCG Matten Grey  
TT Titanium  
WH Arctic White  
VWB Weathered Bronze  
VBU Viridi Blue  
Premium Color  
SHK Shamrock  
SPP Salt and Pepper  
SFM Saffron  
WCP Weathered Copper  
RAL RAL 4 digit Color  
CUSTOM Custom Color

1 Contact factory  
2 House side shield assembles to optical lens and is independent of outer housing.

ARCHITECTURAL AREA LIGHTING  
17760 Avenida Street | City of Industry, CA 91746  
P: 626-963-0988 | F: 626-963-0989 | www.progresslighting.com  
Copyright © 2016, November 1, 2017 11:21 AM

JOB TYPE NOTES

1 | 1

Project: \_\_\_\_\_  
 Fixture Type: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Contact: \_\_\_\_\_

**PCBO SERIES**

Walkway Lighting

**Specifications:**

**Construction:**

- Encased aluminum square or round housing, with tamper resistant hardware, flat top, for round. Single screw access for top reamping.
- Sealed one-piece, clear acrylic lens. Spectral anodized aluminum optical systems; dual reflector enable optics.
- Concealed, galvanized steel anchor base. Four 3/4" x 10" anchor bolts
- Durable Lencore® TGC thermoseal 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 20°C.
- Rotatable LED assembly adjustment for ideal placement and aiming of symmetric light pattern.
- 24 high brightness LEDs at 500 mA deliver symmetric distribution at 46 Watts
- 12 high brightness LEDs at 700 mA deliver asymmetric distribution at 31 Watts

**Warranty:**

5 year limited warranty for LED system.

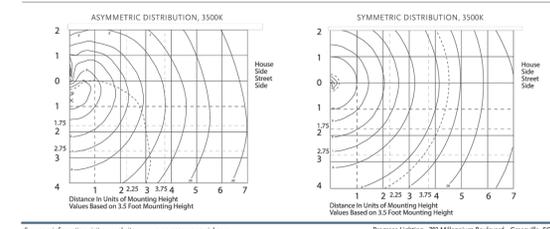
**Listing/Certification:**

The luminaire is listed to UL 1598 for use in wet locations.

**Catalog number:**

Series	Distribution	Finish
PCBOR - Bollard Round	ASY - 12 LEDs @ 31W	BZ - Bronze
PCBOS - Bollard Square	SYM - 24LEDS @ 46W	BL - Black

**Photometry:**

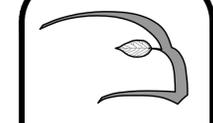
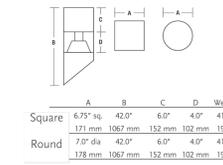


For more information visit our website: [www.progresscommercial.com](http://www.progresscommercial.com)

**Images:**



Dimensions & Mounting



**Hawk Design, Inc.**  
 Landscape Architecture  
 Land Planning  
 Sagamore, MA  
 508-833-8800  
 info@hawkdesigninc.com  
 www.hawkdesigninc.com

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Date: 02/11/20

Revisions:  
 Num. Date Description

**Wychmere Beach Club**  
 23 Snow Inn Rd, Harwich Port, MA  
 Longwood Venues / Atlas Development

Drawn By: TM Checked By: DH

Site Lighting Specifications

Scale: nts

Sheet: **D2.0**

**Site Light on 12' HT. Pole**  
 Scale: nts

**FXLuminaire**  
 LED Wall Lights



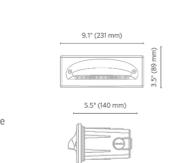
PROJECT: \_\_\_\_\_  
 CATALOG # \_\_\_\_\_  
 TYPE \_\_\_\_\_  
 NOTES \_\_\_\_\_

**PD Wall Light** DESIGNER PREMIUM

Subtle, curved design elements adds style to this recessed wall light. 2 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

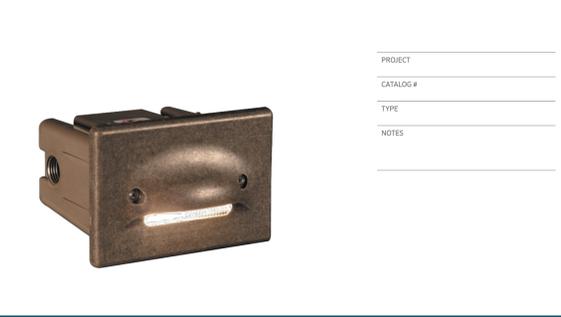


LANDSCAPE LIGHTING

**Wall Light**  
 Scale: nts

**Alternate Site Light on 12' HT. Pole**  
 Scale: nts

**FXLuminaire**  
 LED Wall Lights



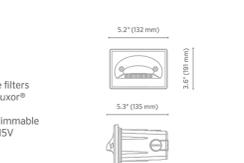
PROJECT: \_\_\_\_\_  
 CATALOG # \_\_\_\_\_  
 TYPE \_\_\_\_\_  
 NOTES \_\_\_\_\_

**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

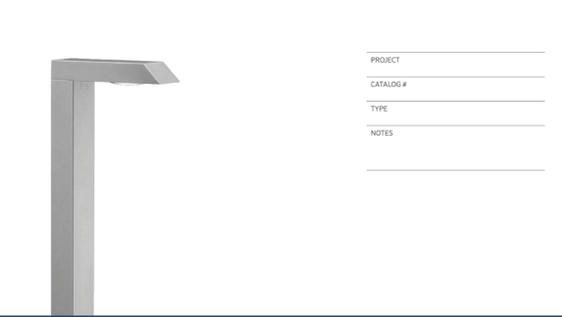


LANDSCAPE LIGHTING

**Step Light**  
 Scale: nts

**Bollard Light**  
 Scale: nts

**FXLuminaire**  
 LED Path Lights



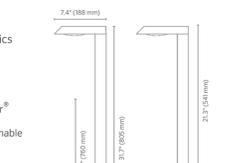
PROJECT: \_\_\_\_\_  
 CATALOG # \_\_\_\_\_  
 TYPE \_\_\_\_\_  
 NOTES \_\_\_\_\_

**M-PL Path Light** DESIGNER PLUS

The ultra-modern M-PL path light combines the versatility of die-cast aluminum with minimalist aesthetics to complement a range of contemporary installations.

**Quick Facts**

- Die-cast aluminum
- Two-layer marine-grade anodization and powder coat finish
- Cree® integrated LEDs
- Color temperature filters
- Compatible with Luxor® technology
- Phase and PWM dimmable
- Input voltage: 10-15V



LANDSCAPE LIGHTING

**Path Light**  
 Scale: nts

Charlene Greenhalgh (cgreenhalgh@town.harwich.ma.us)  
[cgreenhalgh@town.harwich.ma.us](mailto:cgreenhalgh@town.harwich.ma.us)

Dear Charlene Greenhalgh

This is a letter being written to “oppose the outrageously large building” being planned by the Wychmere Harbor Real Estate group’s application to the Harwich Town Planning Board.

We are not abutters; however, we live at 17 Davis Lane in Harwich Port, which is on the south side of Davis Lane and looks south towards Nantucket sound. This proposed structure which seems to be some 48 feet tall, having a roof deck for musical entertainment at a height of 34.6 feet and a building that appears to be over 220 feet long is simply a huge monstrosity. This outsized, imposing and obtrusive structure is positioned adjacent to a public right of way, a conservation area managed, historically, by the Audubon Society during the piping plover breeding season and the Merkle Beach donated to the town for the enjoyment of Harwich citizens and renters.

It is ironic that such an imposing structure would be contemplated when normal citizens are limited to a maximum of 30 feet. Further, that an “open air music venue” at 34.6 feet would even be considered given the potential for noise pollution issues that would disturb residents a great distance from the venue. The further irony is that countless long-term residents of Harwich Port are being significantly inconvenienced and financially harmed and by numerous other music venues in Harwich Port. The creation of a new and “such a large imposing venue” to add to the music/noise problem seems, in our view, to be over-the-top and imprudent.

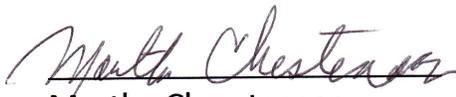
It appears to us that this plan, as presented, could be proactively and collaboratively negotiated to a structure that is more modest in size, has the music venue at a lower level and facing the Wychmere Harbor-**private club** pool, recreational areas and snack service building with an enclosed restaurant on a higher level of the building. It is very likely that such a negotiated plan would result in a more modest building height of 34 or 35 feet.

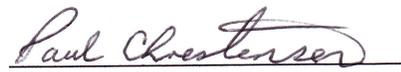
Lastly, this expansion will bring traffic and risks to pedestrians that are walking to Merkle Beach. Very little can be done to mitigate the obvious risks to the welfare of

residents and renters and consequently another element of fiduciary responsibility being brought into question.

We have been Harwich homeowners that have actively vacationed in Harwich Port for over 50 years and love this community. We respectfully request that you give our objections and requested collaborative negotiation for changes in the proposed plan serious consideration for the benefit of everyone concerned.

Sincerely,

  
Martha Chrestensen

  
Paul Chrestensen

VIA USPS & EMAIL

February 12, 2020

Thomas A. Cosmer  
Lonnie A. Cosmer  
19 & 23 Davis Lane  
Harwich, MA 02646

Ms. Charlene Greenhalgh  
Town Planner  
Town of Harwich  
732 Main Street  
Harwich, MA 02645

Re: PB2019-27 Wychmere Harbor Real Estate LLC

Dear Charlene;

As an addendum to our prior correspondence, please share this letter with members of the Town Planning Board. Comments contained herein are focused solely on the height and use of the proposed Beach Grill and support the view that the Planning Board should direct the Applicant to modify such plans to yield an outcome that honors all interested parties - Wychmere Harbor Real Estate LLC, neighborhood homeowners, and all Harwich residents & visitors who use Merkel Beach.

**Contradictions exist regarding the height of the proposed Beach Grill:**

- Jan 22 memo from Ms. Greenhalgh to Planning Board re proposed Beach Grill:
  - Roof Deck elevation of 34' has been provided on the building plans; however an overall height of the proposed building has not been provided.”
- Jan 28 letter from Singer & Singer to Planning Board;
  - “the reconstructed restaurant building will be a conforming two stories and height (49 feet 10 in to the top of the cupola, 36 feet to the top of the roof bar, and the vast majority of the structure is at 27 feet).”
- Jan 28 meeting packet for Planning Board;
  - Shows the elevated pool deck to be at 12.2 feet (GS Design)
  - Shows the elevated first level floor to be at 18 feet (GS Design)
  - Shows the elevated expansive roof deck (floor) to be 34 feet across (GS Design)
  - Shows a roof structure above the roof deck bar and sitting area, but fails to provide elevation figure. My guess is approximately 45 feet +/-

How can the vast majority of the structure be at 27 feet (as noted by Singer & Singer) when elevations from GS Design show the **floor** of the roof deck at 34 feet, and the roof structure over the sizable bar and lounge/sitting area at approximately 45 feet high +/-?

While we wait for the Applicant to prepare new drawings showing the size and scale of the proposed Beach Grill superimposed with the existing structure, the attached pictures will be helpful:

**Picture #1** was taken recently from the back patio of 23 Davis Lane - showing the existing structure – a small one story building with two tiny windows facing Merkel Beach. No elevated outdoor deck, no outdoor lounge, no open air bar or seating area. The existing structure appears to have an elevation of approximately 25 feet +/- . A similar exposure to this area is shared by many area homeowners.

**Picture #2** shows the east and west elevations of the proposed Beach Grill – which will have a much larger footprint, be bigger & more impactful in every way. The west side of the proposed Beach Grill alone will have approximately 70 windows (versus 2 in the current structure), will contain two stories with an elevated open air roof deck, bar & lounge – with a height of 49 feet 10 inches at cupola, 34 feet at floor of roof deck, and approximately 45 feet at the roof above the top level bar and seating area.

Hundreds of Beach Grill patrons eating, drinking and socializing will be on full visual display while generating much noise during club hours – causing a disruption to neighbors and others using Merkel Beach just a few yards away. While the Applicant seeks shelter in the notion that the overall project does not constitute a “change of use” – they ignore the fact that their proposed Beach Grill will bring with it a use that is radically different than what takes place in the existing structure today. Compare the two pictures and ponder the *additional impacts* that will come from a different structure used in a different manner. The Beach Grill will be a detriment to many – and it is myopic to believe otherwise.

Further, almost all non-member events have historically been held in the **northeast** portion of the club property (Harbor Room, Hydrangea Room, Ocean Room) immediately adjacent to the channel & harbor where disruption to others is minimized. This has been a thoughtful approach that has worked well for decades, in part because people don't live on their boats or at StoneHorse Yacht Club, and this area, by design, is meant to be busy with boat traffic. By contrast, the proposed Beach Grill is earmarked for the far **southwest** portion of the property immediately adjacent to Merkel Beach and a neighborhood that has been peaceful for hundreds of years – and meant to be peaceful. Noise from those eating, drinking and partying, many on an open roof deck, will be disruptive to area residents and to beachgoers – especially when one considers how noise is amplified across open dune areas with winds generally off the water toward those who live on Davis Lane, Snow Inn Road & Bayview Road.

**Claims made by the Applicant (Jan 28 Planning Board & Jan 29 Board of Appeals meetings):**

- No increase in capacity (tied to these Plans)
- We are content with the number of events held on the property – no increase in number of events planned (weddings, fundraisers, special events)
- No expectation of increasing number of club members
- Not asking for any membership increases – citing limited draw across 12 mile radius from 02646
- Balance of club membership numbers carefully managed
- No detriment to the neighborhood
- Occasionally, we have outdoor music once or twice per week (5-7 pm or 6-8 pm).

**The Planning Board deserves answers to the following questions before ruling:**

1. Applicant's claim of outdoor music once or twice per week for a few hours is misleading – as it fails to account for music played into the late evening at events held in **indoor** club spaces where windows/doors are opened or temporarily removed. We attend such events each year – and witness how these indoor spaces are effectively transformed into open air venues. Including those “indoor” spaces that feature windows/doors which can be opened or removed (such as Harbor Room & Hydrangea Room), how often is music played on property?
2. How many weddings or non-member club events are held at the property each year?
3. What is the linear feet (length by width) of the footprint of the current building?
4. What is the linear feet (length by width) of the footprint of the proposed Beach Grill?
5. What is the building capacity (people) of the existing structure (across all levels)?
6. What is the building capacity (people) of the proposed Beach Grill (across all levels)?
7. Is the existing structure used to hold non-member events such as weddings, if so how many?
8. Will the proposed Beach Grill be used solely by club members - or will non-member events such as fundraisers, weddings, celebratory parties be held at the Beach Grill? If so, how many?
9. Will music be played at the Beach Grill? If so, how often and on what levels?
10. Will the windows of the proposed Beach Grill remain closed at all times?
11. With no increased use or demand anticipated, is it possible to build a Beach Grill that is bigger than the current structure but does not include an open air roof deck with bar and lounge?

The Applicant has repeatedly stressed no increase of use of club property is planned, that the number of events held on club property will remain the same, that no increase in club membership is anticipated, and no increase in overall capacity is being requested. Why then is it necessary to expand **drastically** the Beach Grill? Not a modest expansion, but one that will yield a new structure that may be triple the overall size (or more) of what it will replace. At what point does an expansion become extreme & excessive? Does doubling the size qualify as excessive? Tripling?

We believe a more balanced and appropriate solution is readily available, one that honors all parties. As such, we urge the Planning Board to require the Applicant to modify plans in a way that minimizes the impact to others. This could be accomplished by removing the roof deck/bar from the Beach Grill, and replacing it with a roof similar to what sits on the current structure. Other options exist.

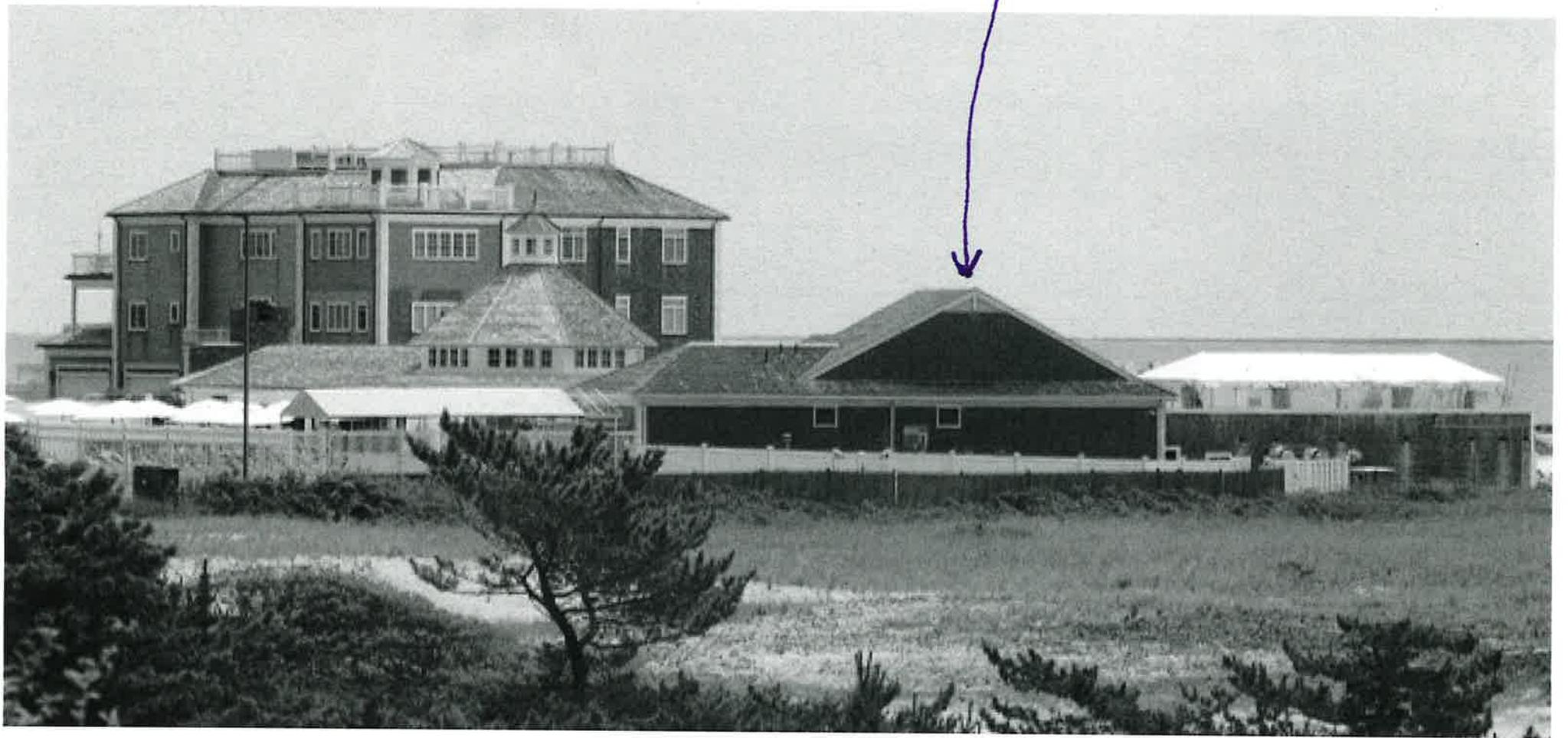
The growth aspirations of any business enterprise are important, but they should not be allowed to undermine the ability for residents and taxpayers to peacefully enjoy their homes, and for all Harwich residents and visitors to enjoy treasured public areas in and around Merkel Beach – especially when viable alternatives exist that can easily be achieved.

Respectfully submitted,

Tom & Lonnie Cosmer  
19 Davis Lane  
23 Davis Lane

Picture #1

EXISTING STRUCTURE







## **Agenda Item II.B**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 12, 2020  
Re: Use Special Permit Staff Report

**PB2020-03 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 2 Celebration Way, Map 81, Parcel C1-1 in the R-L District.

The Planning Board will hold a public hearing on this matter on Tuesday, February 25, 2020 not sooner than 6:30 P.M.

### **Description**

The applicants seek a special permit to build a two-family dwelling pursuant to §325-51.N of the Harwich Town Code. The application and plans were filed with the Town Clerk on January 22, 2019, and includes the following:

1. Form A Planning Board Application date received January 23, 2020.
2. Waiver letter dated January 21, 2020 from Ryder & Wilcox.
3. "Site & Sewage Disposal System Design" Lot 1, 79 Headwater Drive, Harwich, MA, dated 12/12/19, scale 1"=20' prepared by J. M. O'Reilly & Associates, Inc.
4. Set of Building Plans, "New Home for Davenport Building Co.", Bog Lane, Harwich, Massachusetts 02645, dated 11/11/16, by Davenport Building Company, as follows:
  - a. Sheet A1 – Perspectives
  - b. Sheet A2 – Elevations, scale ¼" = 1'-0"
  - c. Sheet A3 – Floor Plans, scale ¼" = 1'-0"
  - d. Sheet A4 – First Floor, scale ¼" = 1'-0"
  - e. Sheet A5 – Floor Framing, scale ¼" = 1'-0"
  - f. Sheet A-6 – Framing, scale ¼" = 1'-0"
  - g. Sheet A-7 – Roof Framing, scale ¼" = 1'-0"
  - h. Sheet A-8 – Sections, scale ¼" = 1'-0"

### **MGL Reference and Planning Board Jurisdiction**

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

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

*§325-51.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.*

**Waiver:**

A waiver is requested from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

**Fee:** A filing fee of \$525.00 was paid on January 23, 2020.

**Comments from Other Boards/Committee/Departments:**

**Health:** This 4 lot subdivision was approved by the Board of Health during their regularly scheduled August 2019 meeting. The approval was conditioned on the submittal a favorable Environmental Impact Report (EIR). As originally designed for 32 bedrooms, the EIR was not approved as presented. This EIR was withdrawn without prejudice with the understanding that the subdivision would support no more than 18 bedrooms in total in order to be below the 2,000 gallon per day threshold for EIR requirements.

The plans submitted for the Planning Board review indicate 18 bedrooms in total as follows:

- 10 Celebration Way: 6 bedrooms (two-3 bedroom units)
- 2 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 6 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 14 Celebration Way: 4 bedrooms (two-2 bedroom units)

This allocation of bedrooms remains under the 2,000 gallon per day threshold and is acceptable to the Health Department. All properties will require compliant Title 5 septic systems and recorded deed restrictions reflecting the maximum number of bedrooms permitted.

**Engineering:** See Planning Staff Comments below.

**Fire, Police and Highway:** No concerns.

**Conservation:** Not in Conservation jurisdiction – No concerns.

**Planning Staff Comments:**

1. The Town Engineer and Town Planner reviewed the plans and application on February 7, 2020. Based on that review the following conditions are recommended:
  - a. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.
  - b. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.

- c. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
2. Pursuant to §325-51.N the requirements/criteria for issuing a special permit are as follows:
  - a. The lot area shall contain a minimum of 40,000 square feet of continuous upland in all applicable zoning districts.
    - The lot size is 44,833 s.f.
  - b. The floor area for each dwelling unit shall be a minimum of 800 square feet.
    - The floor area for each unit contains ~1,090 sq. ft.
  - c. A common roof or a series of roofs shall connect the dwelling units.
    - A common roof existing for the two units
  - d. There shall be a minimum of two off street parking spaces per each unit.
    - Two off street parking spaces per unit are proposed.
3. There is a strong need for rental units within the Town of Harwich.
4. The requested waivers are reasonable.
5. Standard conditions are recommended.

## **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 **PB2020-03 Davenport Companies**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *March 10, March 24, April 14*) for the following reason(s): *Need to provide reasons for the continuance...additional information.*

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

#### **I. Vote to Close the Public Hearing**

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

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

#### **Waivers**

Move to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

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

- I. Move to ***approve*** a Use Special Permit with waivers for PB2020-03 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 2 Celebration Way, Map 81, Parcel C1-1 in the R-L District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval.
  
- II. Motion to ***approve with conditions*** a Use Special Permit with waivers for PB2020-03 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 2 Celebration Way, Map 81, Parcel C1-1 in the R-L District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:
  1. Each unit shall have no more than two (2) bedrooms, per the Board of Health.
  2. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.
  3. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.
  4. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
  5. The Special Permit decision shall be recorded at the Registry of Deeds.
  6. Any changes to the plan shall be subject to further Planning Board review.
  
- III. Motion to ***deny*** a Use Special Permit with waivers for PB2020-03 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 2 Celebration Way, Map 81, Parcel C1-1 in the R-L District, based on the fact(s) that...*(need to provide reasons for denial)*

**GENERAL NOTES:**

- A) NEITHER DRIVEWAYS NOR PARKING AREAS ARE ALLOWED OVER SEPTIC SYSTEM UNLESS H-20 COMPONENTS ARE USED.
- B) THE DESIGNER WILL NOT BE RESPONSIBLE FOR THE SYSTEM AS DESIGNED UNLESS CONSTRUCTED AS SHOWN. ANY CHANGES SHALL BE APPROVED IN WRITING.
- C) CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.

**CONSTRUCTION NOTES:**

- 1.) ALL CONSTRUCTION SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE, TITLE 5, AND THE REQUIREMENTS OF THE LOCAL BOARD OF HEALTH.
- 2.) SEPTIC TANKS, GREASE TRAPS, DOSING CHAMBERS AND DISTRIBUTION BOXES SHALL BE SET ON A LEVEL SLAB BASE WHICH HAS BEEN MECHANICALLY COMPACTED, OR ON A 6" RICH CRUSHED STONE BASE.
- 3.) SEPTIC TANKS SHALL MEET ASTM STANDARD C1127-93 AND SHALL HAVE AT LEAST THREE 20" DIAMETER MANHOLES. THE MINIMUM DEPTH FROM THE BOTTOM OF THE SEPTIC TANK TO THE FLOW LINE SHALL BE 40".
- 4.) SCHEDULE 40 PVC INLET AND OUTLET TEES SHALL BE INSTALLED ON THE CENTERLINE OF THE TANK DIRECTLY UNDER THE CLEANOUT MANHOLE.
- 5.) RAISE COVERS OF THE SEPTIC TANK AND DISTRIBUTION BOX WITH PRECAST CONCRETE WATER TIGHT RISERS OVER INLET AND OUTLET TEES TO WITHIN 6" OF FINISH GRADE, OR AS APPROVED BY THE LOCAL BOARD OF HEALTH AGENT.
- 6.) PIPES SHALL CONSIST OF 4" SCHEDULE 40 PVC OR EQUIVALENT. FITS SHALL BE LAD ON A MINIMUM CONTINUOUS GRADE OF NOT LESS THAN 1%.
- 7.) DISTRIBUTION LINES FOR SOIL ABSORPTION SYSTEM (AS REQUIRED) SHALL BE 4" DIAMETER SCHEDULE 40 PVC LAD AT 0.005 FT/FT. LINE SHALL BE CAPPED AT END OR AS NOTED.
- 8.) OUTLET PIPES FROM DISTRIBUTION BOX SHALL REMAIN LEVEL FOR AT LEAST 2' BEFORE FITTING TO SOIL ABSORPTION SYSTEM. WATER TEST DISTRIBUTION BOX TO ASSURE EVEN DISTRIBUTION.
- 9.) DISTRIBUTION BOX SHALL HAVE A MINIMUM SUMP OF 6" MEASURED BELOW THE OUTLET INVERT.
- 10.) BASE AGGREGATE FOR THE LEACHING FACILITY SHALL CONSIST OF 3/4" TO 1-1/2" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST AND SHALL BE INSTALLED BELOW THE CROWN OF THE DISTRIBUTION LINE TO THE BOTTOM OF THE SOIL ABSORPTION SYSTEM. BASE AGGREGATE SHALL BE COVERED WITH A 2" LAYER OF 1/2" TO 1/4" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST.
- 11.) VOID SOIL ABSORPTION SYSTEM WHEN DISTRIBUTION LINES EXCEED 50 FEET, WHEN LOCATED EITHER IN WHOLE OR IN PART UNDER DRIVEWAYS, PARKING AREAS, TURNING AREAS OR OTHER INTERFERING MATERIAL; OR WHEN PRESSURE DOSSED.
- 12.) SOIL ABSORPTION SYSTEM SHALL BE COVERED WITH A MINIMUM OF 9" OF CLEAN MEDIUM SAND (EXCLUDING TOPSOIL).
- 13.) FINISH GRADE SHALL BE A MAXIMUM OF 36" OVER THE TOP OF ALL SYSTEM COMPONENTS, INCLUDING THE SEPTIC TANK, DISTRIBUTION BOX, DOSING CHAMBER AND SOIL ABSORPTION SYSTEM. SEPTIC TANKS SHALL HAVE A MINIMUM COVER OF 9".
- 14.) FROM THE DATE OF INSTALLATION OF THE SOIL ABSORPTION SYSTEM UNTIL RECEIPT OF A CERTIFICATE OF COMPLIANCE, THE PERIMETER OF THE SOIL ABSORPTION SYSTEM SHALL BE STAKED AND FLAGGED TO PREVENT THE USE OF SUCH AREA FOR ALL ACTIVITIES THAT MIGHT DAMAGE THE SYSTEM.
- 15.) SUBSURFACE COMPONENTS OF A SYSTEM SHALL NOT BE BACKFILLED OR OTHERWISE CONCEALED FROM VIEW UNTIL A FINAL INSPECTION HAS BEEN CONDUCTED BY THE APPROVING AUTHORITY AND PERMISSION HAS BEEN GRANTED BY THE APPROVING AUTHORITY TO BACKFILL THE SYSTEM. THE DESIGNER SHALL INSPECT THE CONSTRUCTION AFTER THE INITIAL EXCAVATION, PRIOR TO BACKFILLING, AND DURING BACKFILLING. IN ADDITION, THE FINAL INSPECTION OF THE SYSTEM SHALL BE CONDUCTED BY THE APPROVING AUTHORITY, THE SYSTEM INSTALLER AND DESIGNER, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE PURSUANT TO 310 CMR, 15.02(15). ANY COMPONENT OF THE SYSTEM WHICH HAS BEEN COVERED WITHOUT SUCH PERMISSION SHALL BE UNCOVERED UPON REQUEST OF THE APPROVING AUTHORITY OR THE DEPARTMENT.
- 16.) OWNER / CONTRACTOR SHALL REVIEW HOUSE LOCATION, GRADING AND DWELLING ELEVATION PRIOR TO THE START OF CONSTRUCTION.
- 17.) OWNER / CONTRACTOR SHALL REVIEW DRIVEWAY LOCATION, GRADING, AND AND MATERIAL PRIOR TO THE START OF CONSTRUCTION.
- 18.) CONTRACTOR SHALL VERIFY BUILDING SETBACKS. COMPLIANCE WITH ZONING SETBACKS IS NOT EXPRESSED OR IMPLIED HEREON.
- 19.) INSTALLER TO CONFIRM LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO START OF CONSTRUCTION.

**SOIL TEST LOGS:**

TEST HOLE #	EL	DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELN)	SOIL MOTTLING	OTHER
TEST HOLE 1: EL=54.7±	54.7±	0-10	A	Fine Loamy Sand	10YR 3/2	NOIE	
		10-56	B	Loamy Medium-Coarse Sand	10YR 5/6	NOIE	
		56-128	C	Medium-Coarse Sand	10YR 6/4	NOIE	NO G.W. ENCOUNTERED
TEST HOLE 2: EL=53.7±	53.7±	0-11	A	Fine Loamy Sand	10YR 2/1		
		11-80	B	Loamy Medium-Coarse Sand	10YR 5/6	PERC @ 45% < 2MIN	
		80-196	C	Medium-Coarse Sand	10YR 6/4	NO G.W. ENCOUNTERED	
TEST HOLE 3: EL=53.1±	53.1±	0-7	A	Fine Loamy Sand	10YR 2/1		
		7-52	B	Loamy Medium-Coarse Sand	10YR 5/6	PERC @ 50% < 2MIN	
		52-120	C	Medium-Coarse Sand	10YR 6/4	PERC @ 50% < 2MIN	
TEST HOLE 4: EL=56.3±	56.3±	0-11	A	Fine Loamy Sand	10YR 2/1		
		11-93	B	Loamy Medium-Coarse Sand	10YR 5/6		
		93-140	C	Medium-Coarse Sand	10YR 6/4		NO G.W. ENCOUNTERED

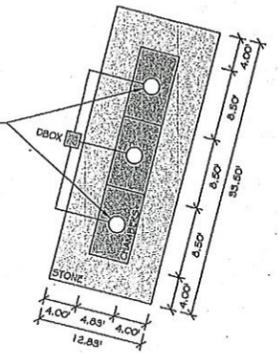
DATE OF TESTING: 11/11/19  
 PERCOLATION RATE: LESS THAN 2 MIN/INCH IN 10" & 10" LAYERS.  
 WITNESSED BY: MATTHEW J. WROBEL, EIT, J.M. O'REILLY & ASSOCIATES, INC.  
 KATHLEEN TERAGLIA, AGENT, HARWICH HEALTH DEPARTMENT  
 NO WATER ENCOUNTERED  
 USE A LOADING RATE OF 0.74 GPD/SF FOR SIZING OF SOIL ABSORPTION SYSTEM.

**SYSTEM DESIGN CALCULATIONS:**

SEWAGE DESIGN FLOW  
 4 BEDROOM DWELLING @ 110 GPD = 440 GPD  
 LEACHING CAPACITY REQUIRED:  
 4 BEDROOMS (MAX.) @ 110 GPD = 440 GPD REQUIRED  
 PRIMARY SEPTIC TANK CAPACITY PROVIDED:  
 DAILY FLOW = 440 GPD @ 100% = 440 GAL. REQUIRED  
 PRIMARY SEPTIC TANK CAPACITY PROVIDED:  
 1500 GALLON SEPTIC TANK (MIN. ALLOWED)  
 SECONDARY SEPTIC TANK CAPACITY REQUIRED:  
 DAILY FLOW = 440 GPD @ 100% = 440 GAL. REQUIRED  
 SECONDARY SEPTIC TANK CAPACITY PROVIDED:  
 1000 GALLON SEPTIC TANK (MIN. ALLOWED)  
 LEACHING CAPACITY PROVIDED:  
 ONE (1) 33.5' X 12.83' X 2.0' LEACHING CHAMBER CAN LEACH:  
 V = (33.5 X 12.83) + (33.5 X 2.0) + (12.83 X 2.0) X 0.74 GPD/SF = 455.19 GPD  
 455 GPD > 440 GPD REQUIRED  
 NOTE: A GARBAGE DISPOSAL IS NOT PERMITTED WITH THIS DESIGN.  
 INSTALL:  
 ONE (1) - 1500 GALLON PRIMARY SEPTIC TANK  
 ONE (1) - 1000 GALLON SECONDARY SEPTIC TANK  
 ONE (1) - 3 OUTLET DISTRIBUTION BOX (H-20 Rate)  
 THREE (3) - 500 GALLON LEACH CHAMBERS WITH 4" OF NATIVE STONE ALL AROUND

**SAS DETAIL**

SCALE: 1" = 10'

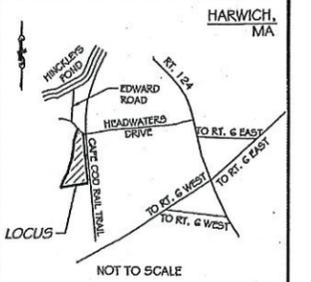
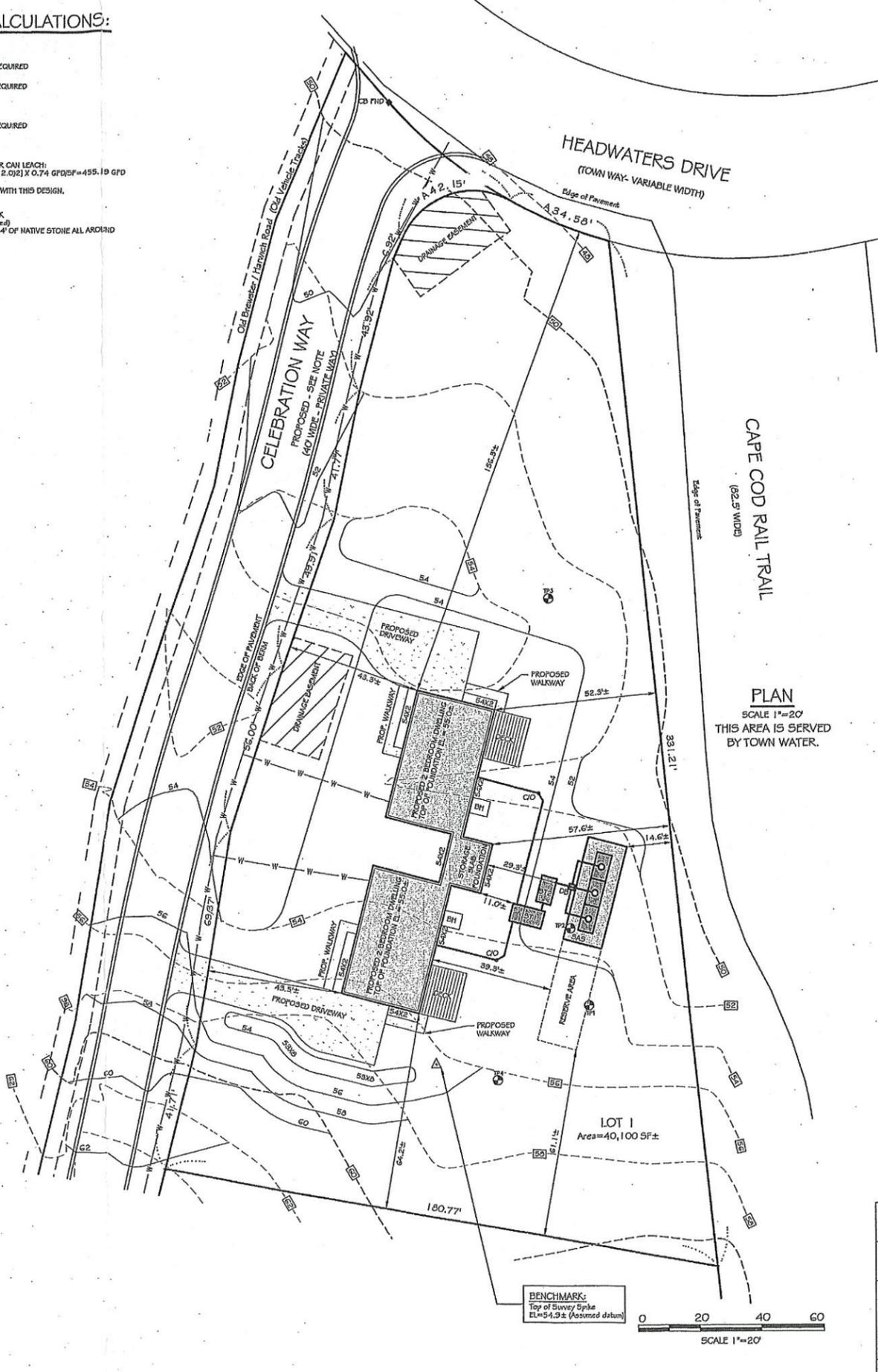
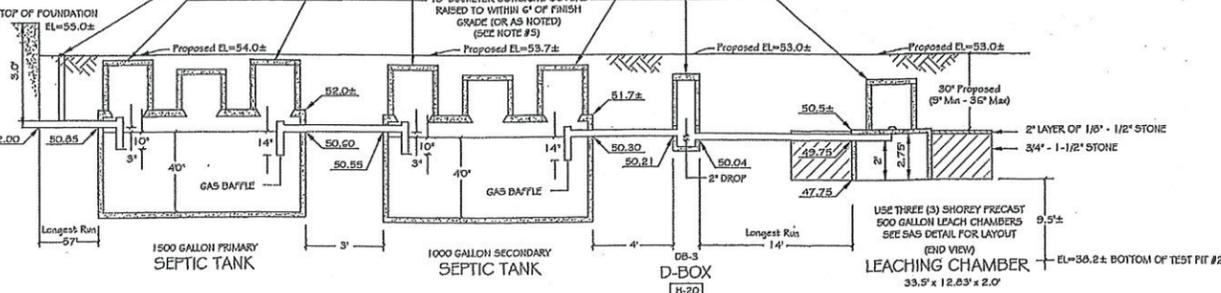


**ZONING TABLE**

RR ZONE:	
FRONT YARD SETBACK	25 FEET
SIDE AND REAR YARD SETBACKS	20 FEET
BUILDING COVERAGE	15 %
SITE COVERAGE	25 %
BUILDING HEIGHT	30 FEET
PROPOSED BUILDING COVERAGE:	
BUILDING AREAS X 100	LOT AREA
2,400 SF ± X 100 = 6.0% < 15%, OK	
40,100 SF ±	
PROPOSED SITE COVERAGE:	
BUILDING, DECK, BULKHEAD, WALKWAY & DRIVEWAY AREAS X 100	LOT AREA
5,098 SF ± X 100 = 12.7% < 25%, OK	
40,100 SF ±	
PROPOSED BUILDING HEIGHT CALCULATIONS	
AVERAGE GRADE = (51.7 + 56.6) / 2 = 54.1±	
MAX. ALLOWABLE ELEVATION: 54.1 + 30 = 84.1	
PROPOSED ELEVATION:	
55.0 (TOP) + 23.1 (BUILDING HEIGHT) = 78.1 < 84.1, OK	

**FLOW PROFILE:**

NOT TO SCALE



PLAN BOOK DEED BOOK 1132 ASSESSORS' MAP 81 PAGE 443 PARCEL C1-O

**LEGEND**

—	EXISTING CONTOUR
- - -	PROPOSED CONTOUR
—	EXISTING SPOT GRADE
- - -	PROPOSED SPOT GRADE
—	WATER SERVICE LINE
—	OVERHEAD UTILITY SERVICE
—	UNDERGROUND UTILITY SERVICE
—	GAS SERVICE LINE
○	TEST HOLE / BORING LOCATION
□	SEPTIC TANK
□	DISTRIBUTION BOX
□	SOIL ABSORPTION SYSTEM
□	RESERVED FOR FUTURE
○	UTILITY POLE
○	CATCH BASIN
○	FIRE HYDRANT
○	WELL
○	DRAINAGE MANHOLE
○	CONCRETE BOUND, FOUND
—	TOP OF BANK
—	LIMIT OF WORK
—	FENCE
—	EDGE OF CLEARING

**CELEBRATION WAY NOTE:**

PROPOSED ROAD PROFILE AND PLAN FOR CELEBRATION WAY ARE TAKEN FROM THE PLAN AND PROFILE PRIVATE WAY TO ACCOMPANY DEFINITIVE SUBDIVISION PLAN LAND IN HARWICH, MA AS PREPARED FOR THE DAVENPORT COMPANIES BY FROEDER & WILCOX, INC. DATED JULY 11, 2019. REVISED 10-7-2019.

**PLAN**  
 SCALE 1" = 20'  
 THIS AREA IS SERVED BY TOWN WATER.

THE LAYOUT AND DIMENSIONS OF THE PROPOSED DWELLING HAS BEEN TAKEN FROM THE PLAN DATED 11/11/16, PREPARED BY DAVENPORT BUILDING COMPANY.

**#2 Celebration**

**DAVENPORT COMPANIES, INC.**  
 20 NORTH MAIN STREET, YARMOUTH, MA 02664

**SITE & SEWAGE DISPOSAL SYSTEM DESIGN**  
 "LOT 1", 79 HEADWATER DRIVE, HARWICH, MA

**J.M. O'REILLY & ASSOCIATES, INC.**  
 Professional Engineering & Land Surveying Services

1073 Main Street - Route 8A  
 P.O. Box 1773  
 (608)898-8801 Office Brewster, MA 02631 (608)898-8808 Fax

DATE: 12/12/19 SCALE: As Noted BY: MJW CHECK: JMO JOB NUMBER: JMO-8748

These plans are for all four Davenport Applications  
PB2020-03 through PB2020-06



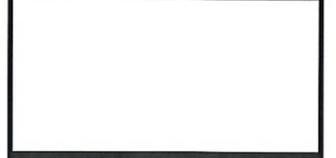
# NEW HOME

FOR  
Davenport Building Co.

BOG LANE,  
HARWICH,  
Massachusetts 02645

ISSUED: 11/11/16

CONSULTANTS



Davenport Building Company  
20 North Main Street  
South Yarmouth, MA 026664  
508-398-2293  
Tom Grew  
tgrew@davenportbuilding.com

REVISIONS:

DATE	DESCRIPTION

PROJECT NO:  
MODEL FILE:  
DRAWN BY:  
CHKD BY:  
OFFICE:

SHEET TITLE

Perspectives

A1

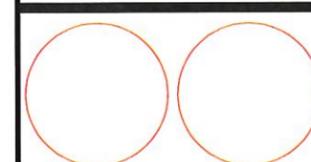
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OFFICE:

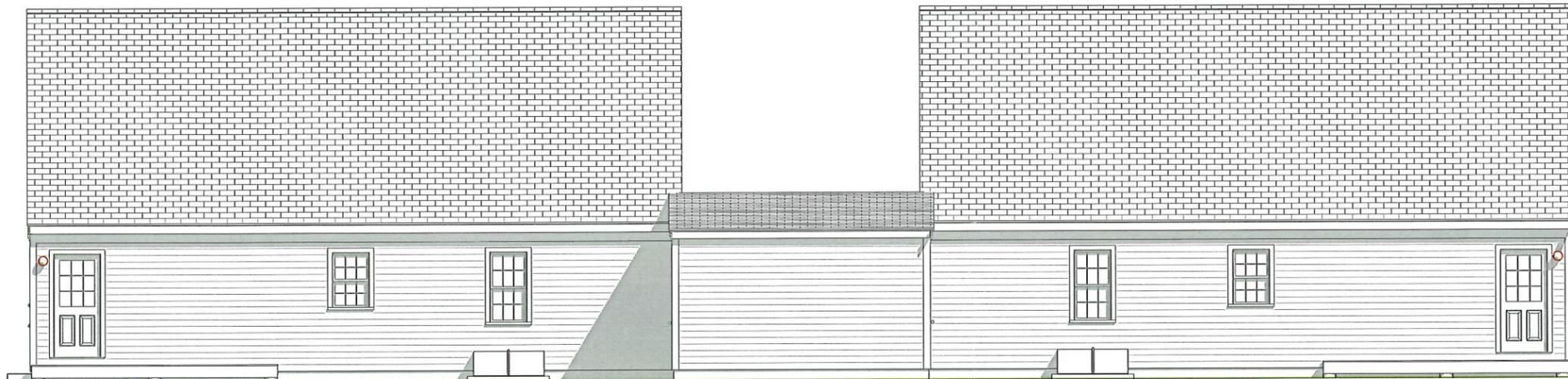
## SHEET TITLE

ELEVATIONS

A2



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



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



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

**NOTE:**  
Buildings are mirror images  
All sections are mirrored

**NOTE:**  
Unheated Outside Storage  
Low Pitch Roofs, 2x6 Rafters, 3'-10"  
Foundation Wall, 8" x 16" Footing  
5/8" x 10" Anchor Bolts, HZ 5A  
Hurricane Anchors, 2x4 PT Mudsill,  
2x4 Walls, 1x3 Trim, Shingles match  
main roofs



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

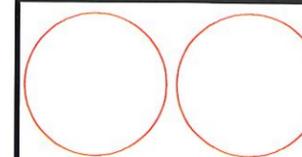
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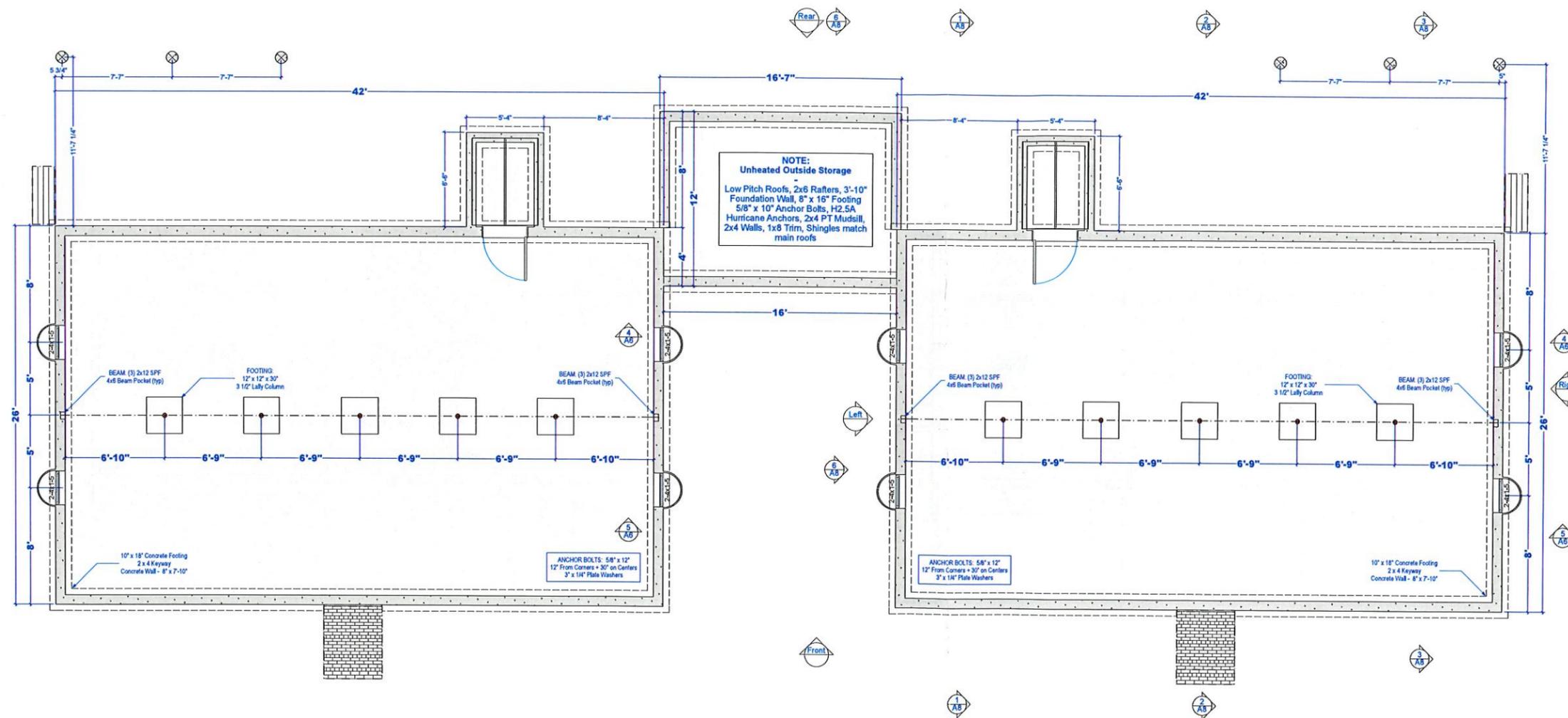
DATE	DESCRIPTION

PROJECT NO:  
MODEL FILE:  
DRAWN BY:  
CHK'D BY:  
OFFICE:

## SHEET TITLE

FLOOR PLANS

A3



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

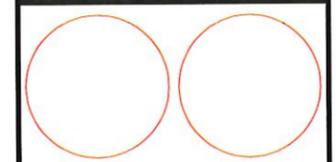
# NEW HOME

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ISSUED: 11/11/16

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REVISIONS:

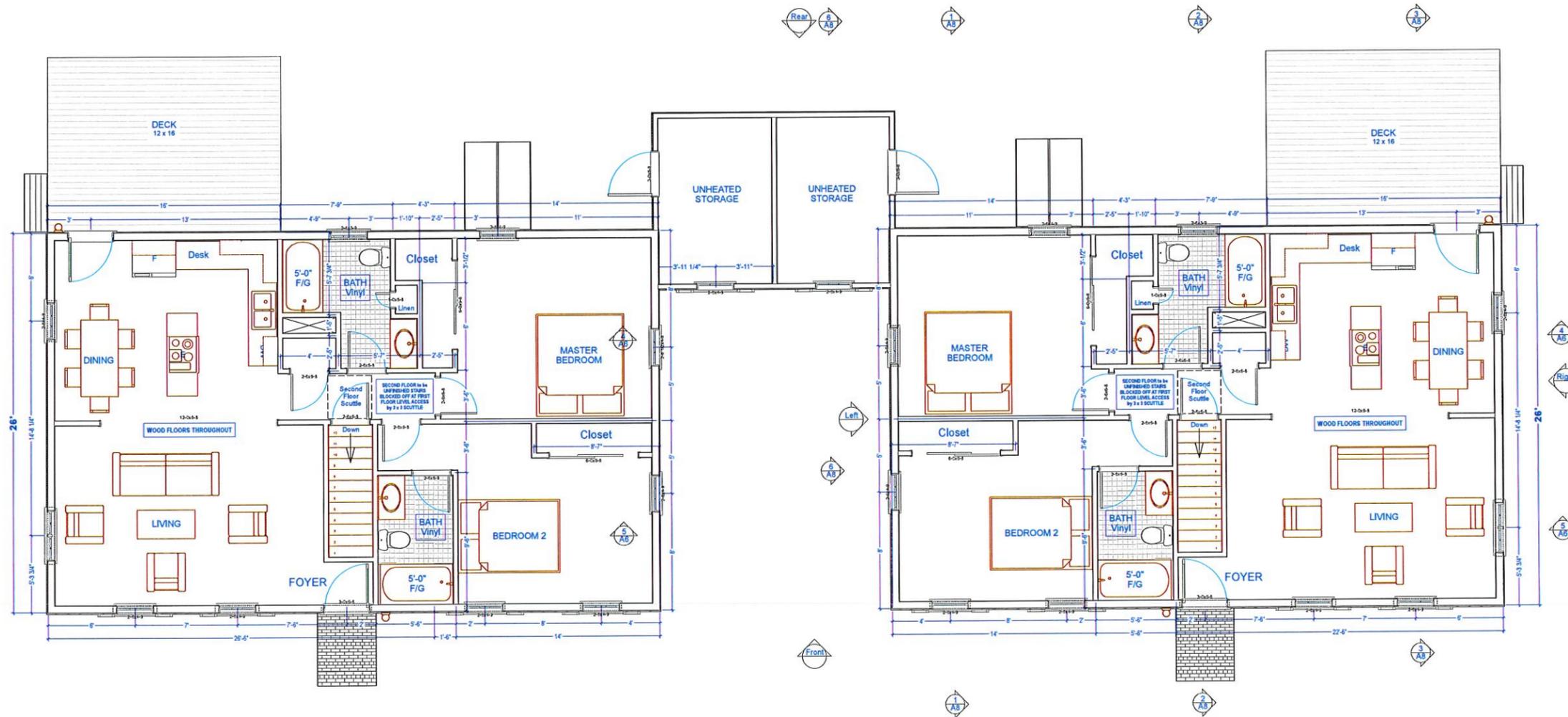
DATE	DESCRIPTION

PROJECT NO:  
MODEL FILE:  
DRAWN BY:  
CHK'D BY:  
OFFICE:

SHEET TITLE

FIRST FLOOR

A4



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

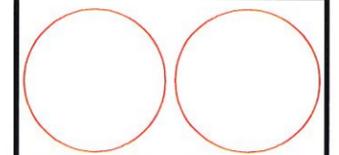
# NEW HOME

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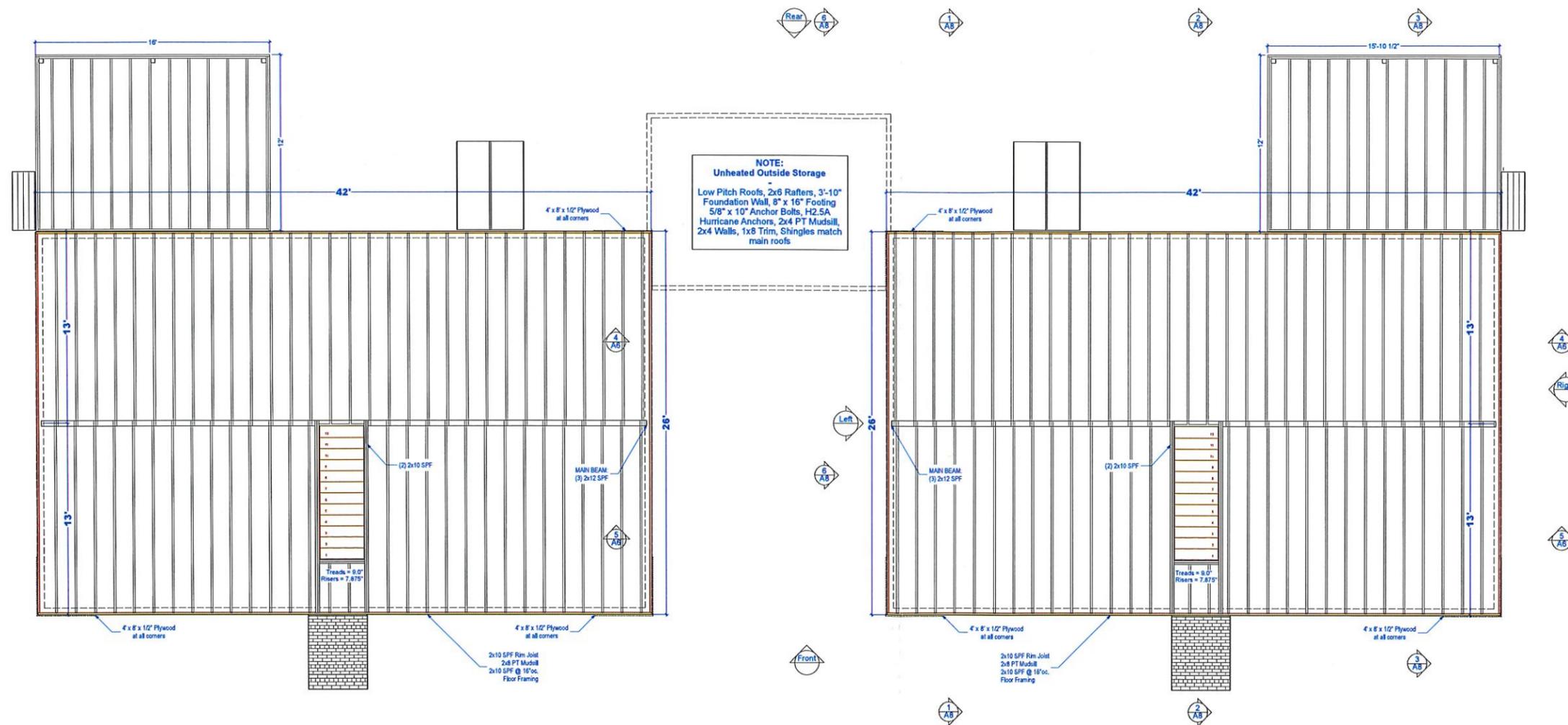
DATE	DESCRIPTION

PROJECT NO:  
MODEL FILE:  
DRAWN BY:  
CHK'D BY:  
OFFICE:

## SHEET TITLE

FLOOR FRAMING

A5



First Floor Framing  
SCALE: 1/4" = 1'-0"

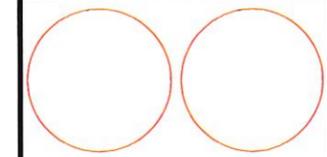
# NEW HOME

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BOG LANE,  
HARWICH,  
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ISSUED: 11/11/16

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## REVISIONS:

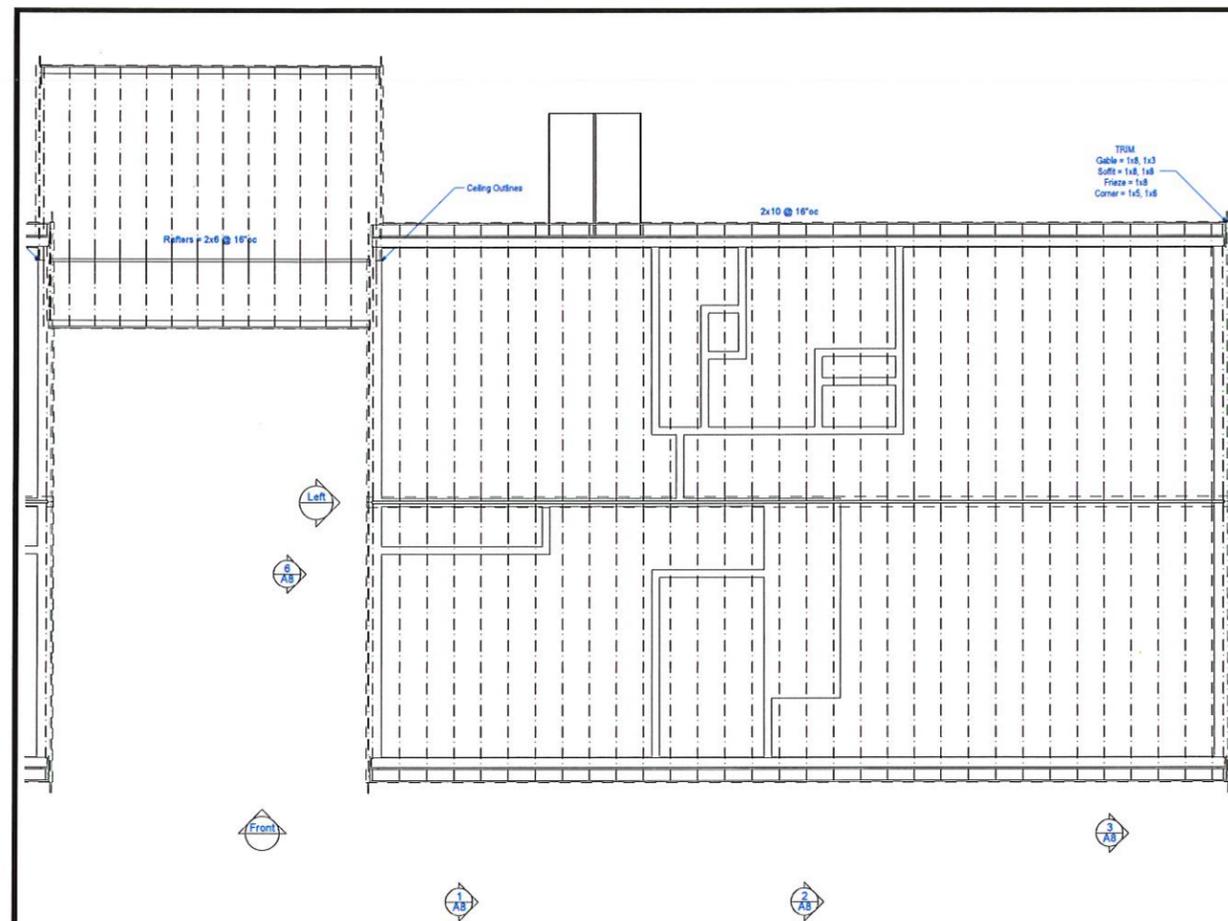
DATE	DESCRIPTION

PROJECT NO:  
MODEL FILE:  
DRAWN BY:  
CHKD BY:  
OFFICE:

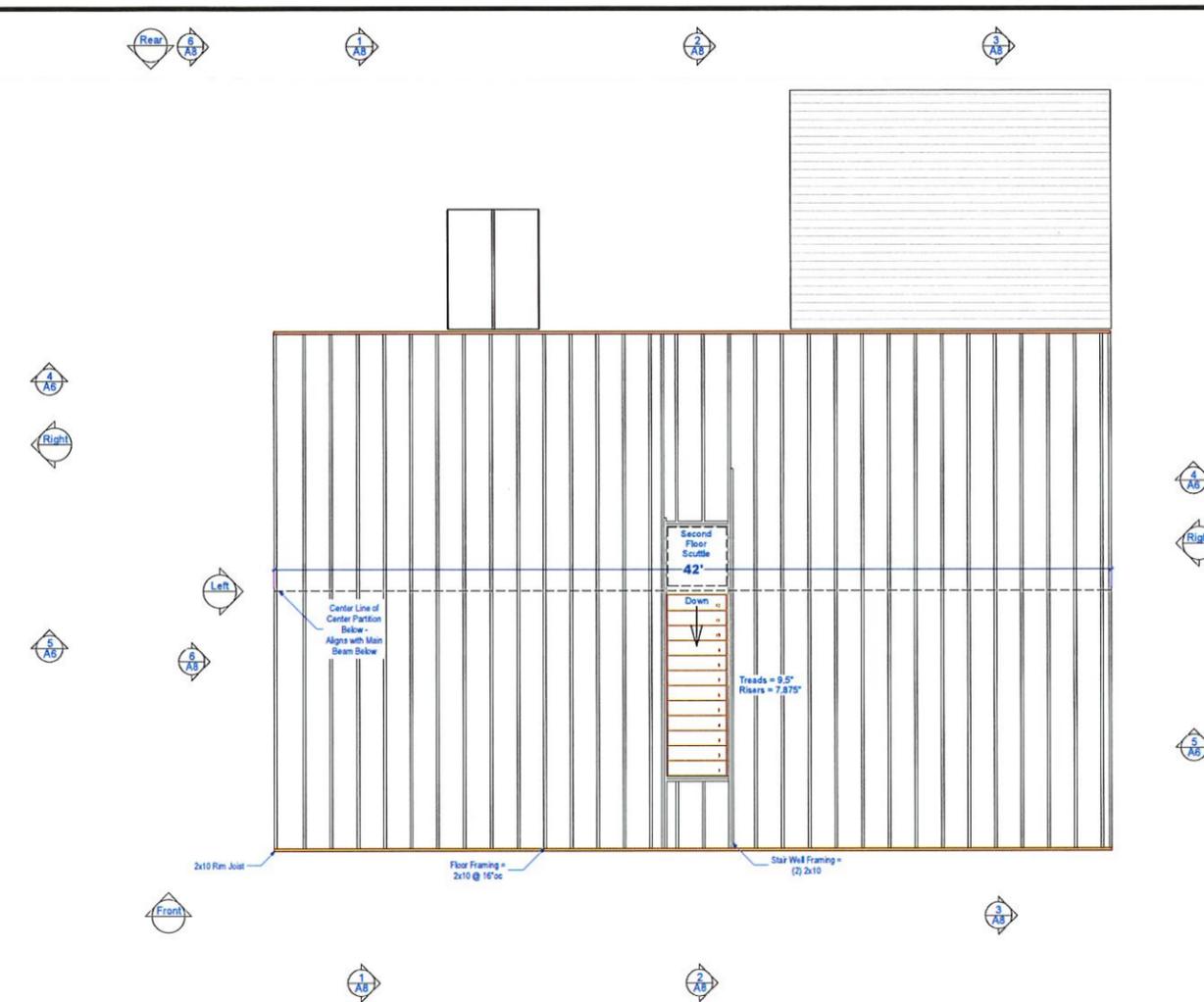
## SHEET TITLE

FRAMING

A6



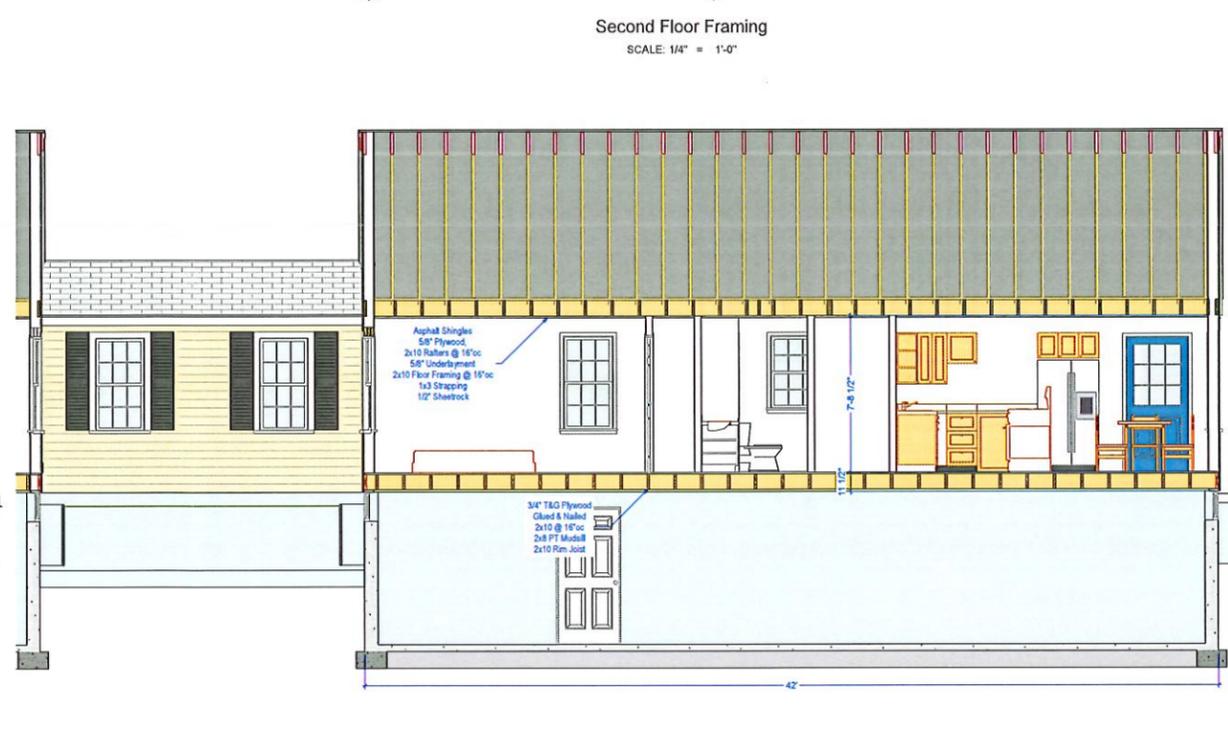
Roof Framing  
SCALE: 1/4" = 1'-0"



Second Floor Framing  
SCALE: 1/4" = 1'-0"



Section 5  
SCALE: 1/4" = 1'-0"



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

NOTE:  
Unheated Outside Storage  
Low Pitch Roofs, 2x6 Rafters, 3'-10"  
Foundation Wall, 8" x 16" Footing  
5/8" x 10" Anchor Bolts, H2.5A  
Hurricane Anchors, 2x4 PT Mudsill,  
2x4 Walls, 1x8 Trim, Shingles match  
main roofs

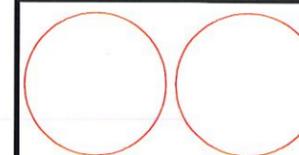
# NEW HOME

FOR  
Davenport Building Co.

BOG LANE,  
HARWICH,  
Massachusetts 02645

ISSUED: 11/11/16

## CONSULTANTS



Davenport Building Company  
20 North Main Street  
South Yarmouth, MA 02664  
508-398-2293  
Tom Grew  
tgrew@davenportbuilding.com

## REVISIONS:

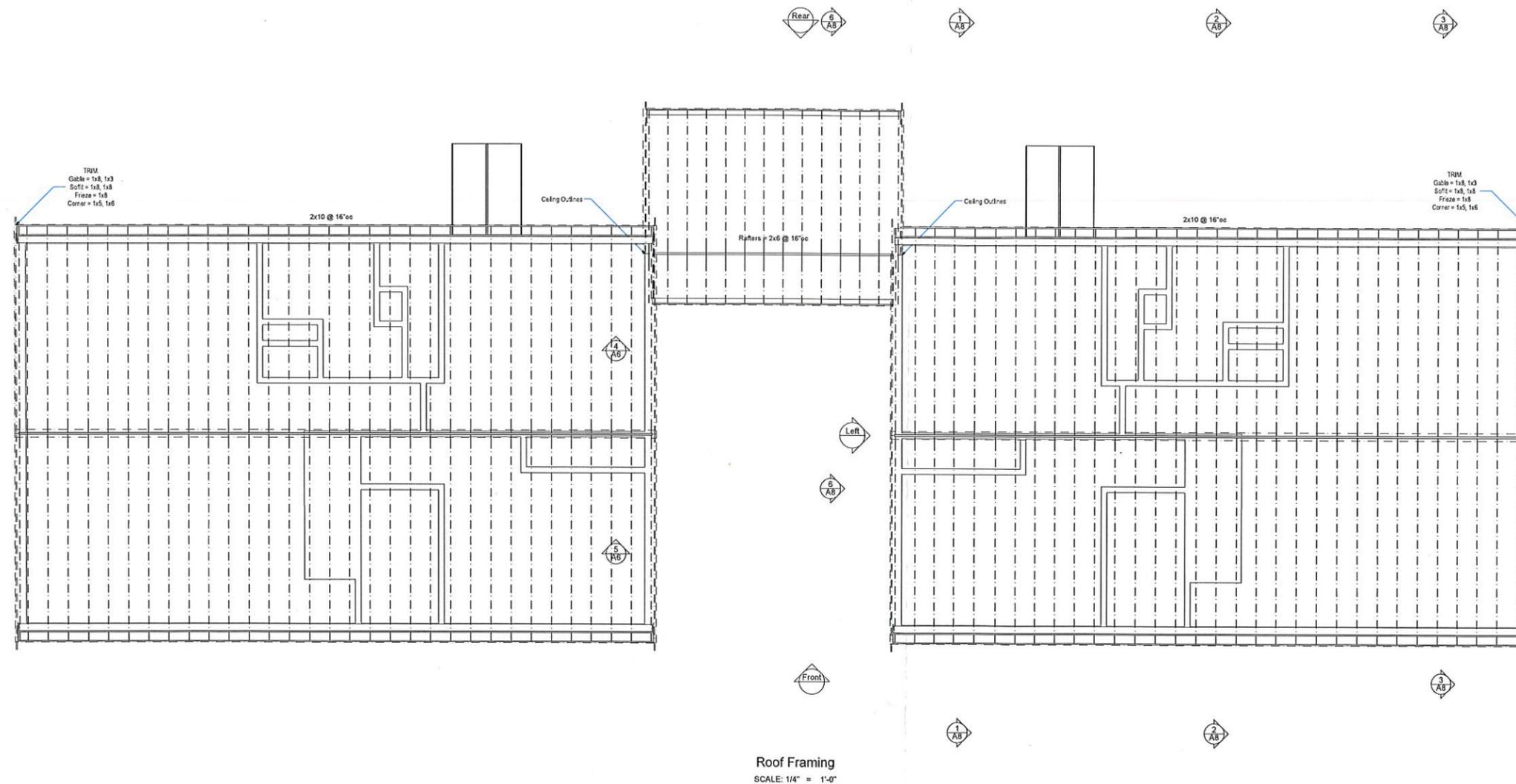
DATE	DESCRIPTION

PROJECT NO:  
MODEL FILE:  
DRAWN BY:  
CHK'D BY:  
OFFICE:

## SHEET TITLE

ROOF FRAMING

A7



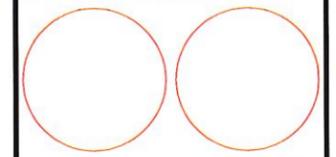
# NEW HOME

FOR  
Davenport Building Co.

BOG LANE,  
HARWICH,  
Massachusetts 02645

ISSUED: 11/11/16

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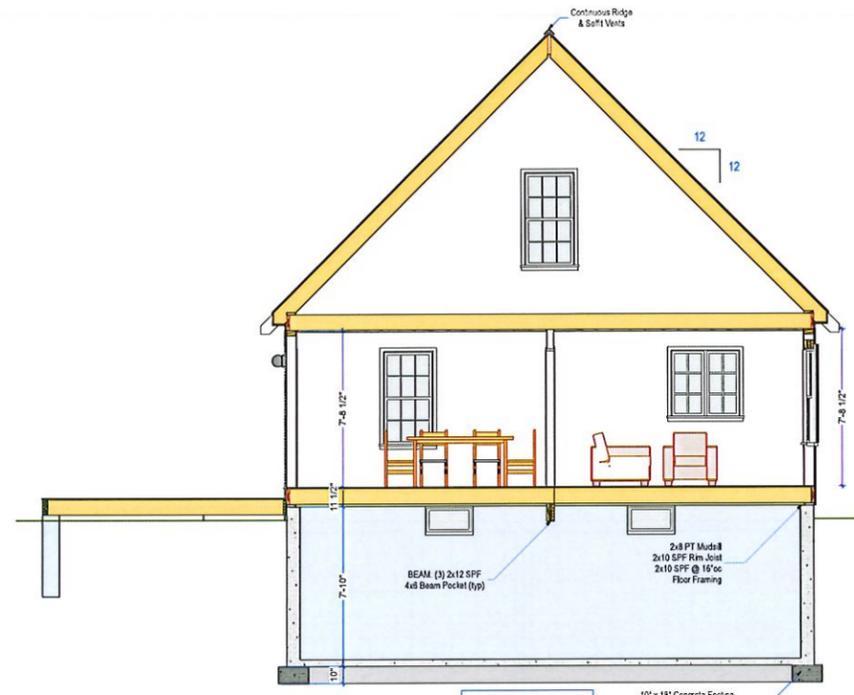
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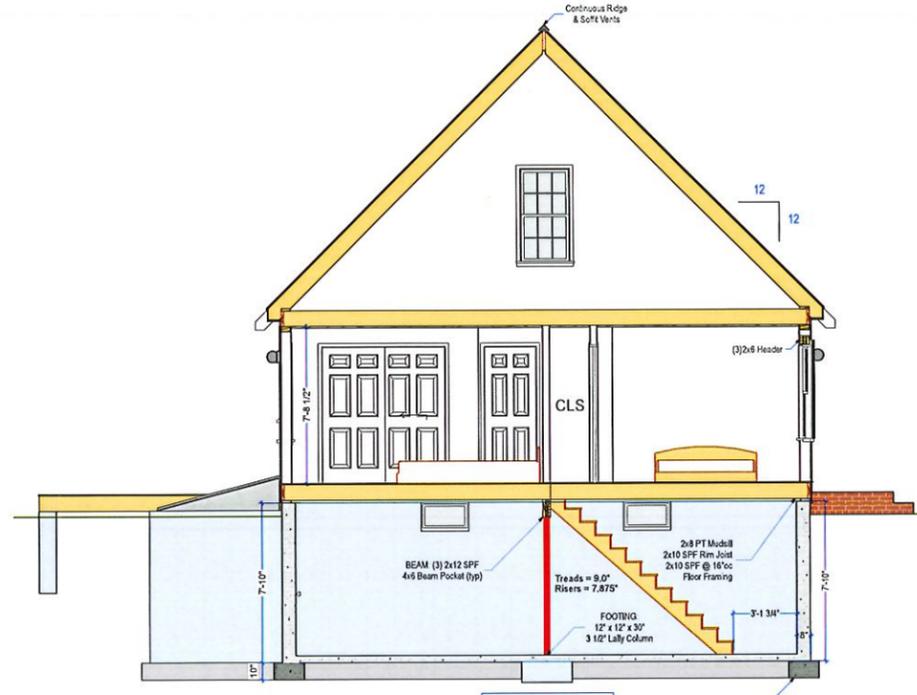
SHEET TITLE

SECTIONS

A8

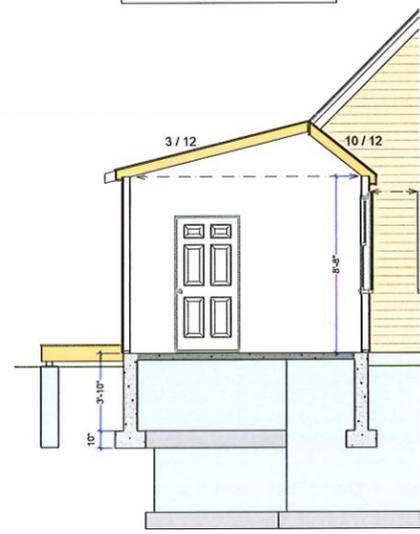


Section 3  
SCALE: 1/4" = 1'-0"

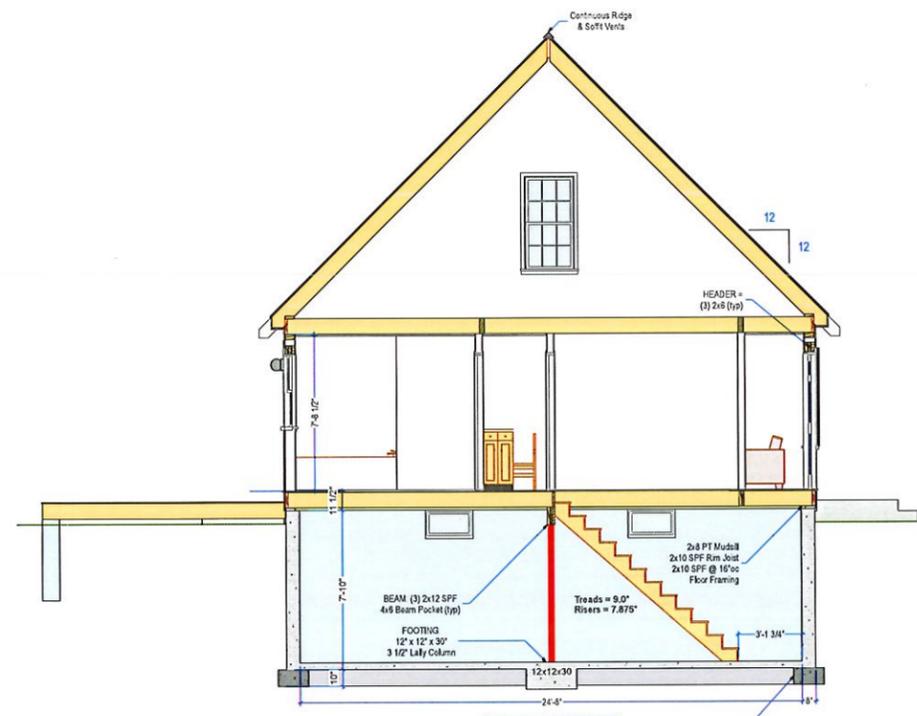


Section 1  
SCALE: 1/4" = 1'-0"

**NOTE:**  
**Unheated Outside Storage**  
Low Pitch Roofs, 2x6 Rafters, 3'-10"  
Foundation Wall, 8" x 16" Footing  
5/8" x 10" Anchor Bolts, H2.5A  
Hurricane Anchors, 2x4 PT Mudsill,  
2x4 Walls, 1x8 Trim, Shingles match  
main roofs



Section 6  
SCALE: 1/4" = 1'-0"



Section 2  
SCALE: 1/4" = 1'-0"



## Agenda Item II.C

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 12, 2020  
Re: Use Special Permit Staff Report

**PB2020-04 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 6 Celebration Way, Map 81, Parcel C1-2 in the R-L District.

The Planning Board will hold a public hearing on this matter on Tuesday, February 25, 2020 not sooner than 6:30 P.M.

### Description

The applicants seek a special permit to build a two-family dwelling pursuant to §325-51 N of the Harwich Town Code. The application and plans were filed with the Town Clerk on January 22, 2020, and includes the following:

1. Form A Planning Board Application date received January 23, 2020.
2. Waiver letter dated January 21, 2020 from Ryder & Wilcox.
3. "Site & Sewage Disposal System Design" Lot 2, 79 Headwater Drive, Harwich, MA, dated 12/12/19, scale 1"=20' prepared by J. M. O'Reilly & Associates, Inc.
4. Set of Building Plans, "New Home for Davenport Building Co.", Bog Lane, Harwich, Massachusetts 02645, dated 11/11/16, by Davenport Building Company, as follows:
  - a. Sheet A1 – Perspectives
  - b. Sheet A2 – Elevations, scale ¼" = 1'-0"
  - c. Sheet A3 – Floor Plans, scale ¼" = 1'-0"
  - d. Sheet A4 – First Floor, scale ¼" = 1'-0"
  - e. Sheet A5 – Floor Framing, scale ¼" = 1'-0"
  - f. Sheet A-6 – Framing, scale ¼" = 1'-0"
  - g. Sheet A-7 – Roof Framing, scale ¼" = 1'-0"
  - h. Sheet A-8 – Sections, scale ¼" = 1'-0"

### MGL Reference and Planning Board Jurisdiction

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

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

*§325-51.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.*

**Waiver:**

A waiver is requested from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

**Fee:** A filing fee of \$525.00 was paid on January 23, 2020.

**Comments from Other Boards/Committee/Departments:**

**Health:** This 4 lot subdivision was approved by the Board of Health during their regularly scheduled August 2019 meeting. The approval was conditioned on the submittal a favorable Environmental Impact Report (EIR). As originally designed for 32 bedrooms, the EIR was not approved as presented. This EIR was withdrawn without prejudice with the understanding that the subdivision would support no more than 18 bedrooms in total in order to be below the 2,000 gallon per day threshold for EIR requirements.

The plans submitted for the Planning Board review indicate 18 bedrooms in total as follows:

- 10 Celebration Way: 6 bedrooms (two-3 bedroom units)
- 2 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 6 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 14 Celebration Way: 4 bedrooms (two-2 bedroom units)

This allocation of bedrooms remains under the 2,000 gallon per day threshold and is acceptable to the Health Department. All properties will require compliant Title 5 septic systems and recorded deed restrictions reflecting the maximum number of bedrooms permitted.

**Engineering:** See Planning Staff Comments below.

**Fire, Police and Highway:** No concerns.

**Conservation:** Not in Conservation jurisdiction – No concerns.

**Planning Staff Comments:**

1. The Town Engineer and Town Planner reviewed the plans and application on February 7, 2020. Based on that review the following conditions are recommended:
  - a. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.

- b. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.
- c. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
2. Pursuant to §325-51 N the requirements/criteria for issuing a special permit are as follows:
  - a. The lot area shall contain a minimum of 40,000 square feet of continuous upland in all applicable zoning districts.
    - The lot size is 44,833 s.f.
  - b. The floor area for each dwelling unit shall be a minimum of 800 square feet.
    - The floor area for each unit contains ~1,090 sq. ft.
  - c. A common roof or a series of roofs shall connect the dwelling units.
    - A common roof existing for the two units
  - d. There shall be a minimum of two off street parking spaces per each unit.
    - Two off street parking spaces per unit are proposed.
3. There is a strong need for rental units within the Town of Harwich.
4. The requested waivers are reasonable.
5. Standard conditions are recommended.

## 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 **PB2020-04 Davenport Companies**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *March 10, March 24, April 14*) for the following reason(s): *Need to provide reasons for the continuance...additional information.*

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

#### **I. Vote to Close the Public Hearing**

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

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

### **Waivers**

Move to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

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

- I. Move to ***approve*** a Use Special Permit with waivers for PB2020-04 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 6 Celebration Way, Map 81, Parcel C1-2 in the R-L District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval.
  
- II. Motion to ***approve with conditions*** a Use Special Permit with waivers for PB2020-04 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 6 Celebration Way, Map 81, Parcel C1-2 in the R-L District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:
  1. Each unit shall have no more than two (2) bedrooms, per the Board of Health.
  2. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.
  3. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.
  4. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
  5. The Special Permit decision shall be recorded at the Registry of Deeds.
  6. Any changes to the plan shall be subject to further Planning Board review.
  
- III. Motion to ***deny*** a Use Special Permit with waivers for PB2020-04 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 6 Celebration Way, Map 81, Parcel C1-2 in the R-L District, based on the fact(s) that...*(need to provide reasons for denial)*

**GENERAL NOTES:**

- A) NEITHER DRIVEWAYS NOR PARKING ARE ALLOWED OVER SEPTIC SYSTEM UNLESS H-20 COMPONENTS ARE USED.
- B) THE DESIGNER WILL NOT BE RESPONSIBLE FOR THE SYSTEM AS DESIGNED UNLESS CONSTRUCTED AS SHOWN. ANY CHANGES SHALL BE APPROVED IN WRITING.
- C) CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.

**CONSTRUCTION NOTES:**

- 1) ALL CONSTRUCTION SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE, TITLE 8, AND THE REQUIREMENTS OF THE LOCAL BOARD OF HEALTH.
- 2) SEPTIC TANK(S), GREASE TRAP(S), DOSING CHAMBER(S) AND DISTRIBUTION BOX(S) SHALL BE SET ON A LEVEL, STABLE BASE WHICH HAS BEEN MECHANICALLY COMPACTED, OR ON A 6 INCH CRUSHED STONE BASE.
- 3) SEPTIC TANK(S) SHALL MEET ASTM STANDARD C1127-93 AND SHALL HAVE AT LEAST THREE 6" DIA. MANHOLES. THE MINIMUM DEPTH FROM THE BOTTOM OF THE SEPTIC TANK TO THE FLOW LINE SHALL BE 40".
- 4) SCHEDULE 40 PVC INLET AND OUTLET TEES SHALL EXTEND A MINIMUM OF 6" ABOVE THE FLOW LINE OF THE SEPTIC TANK AND SHALL BE INSTALLED ON THE CONTIGUOUS OF THE TANK UNDER THE CLEANOUT MANHOLE.
- 5) RAKE COVERS OF THE SEPTIC TANK AND DISTRIBUTION BOX WITH PRECAST CONCRETE WATER TIGHT RISERS COVER INLET AND OUTLET TEES TO WITHIN 6" OF FINISH GRADE, OR AS APPROVED BY THE LOCAL BOARD OF HEALTH AGENT.
- 6) PIPING SHALL CONSIST OF 4" SCHEDULE 40 PVC OR EQUIVALENT. PIPE SHALL BE Laid ON A MINIMUM CONTINUOUS GRADE OF NOT LESS THAN 1%.
- 7) DISTRIBUTION LINES FOR SOIL ABSORPTION SYSTEM (AS REQUIRED) SHALL BE 4" DIA. SCHEDULE 40 PVC Laid AT 0.005 FPF. LINE SHALL BE CAPPED AT END OR AS NOTED.
- 8) OUTLET PIPES FROM DISTRIBUTION BOX SHALL REMAIN LEVEL FOR AT LEAST 2' BEFORE PITCHING TO SOIL ABSORPTION SYSTEM. WATER TEST DISTRIBUTION BOX TO ASSURE EVEN DISTRIBUTION.
- 9) DISTRIBUTION BOX SHALL HAVE A MINIMUM SUMP OF 6" MEASURED BELOW THE OUTLET INVERT.
- 10) BASE AGGREGATE FOR THE LEACHING FACILITY SHALL CONSIST OF 3/4" TO 1-1/2" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST AND SHALL BE INSTALLED BELOW THE CROWN OF THE DISTRIBUTION LINE TO THE BOTTOM OF THE SOIL ABSORPTION SYSTEM. BASE AGGREGATE SHALL BE COVERED WITH A 2" LAYER OF 1/2" TO 1/2" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST.
- 11) VENT SOIL ABSORPTION SYSTEM WHEN DISTRIBUTION LINES EXCEED 50 FEET, WHEN LOCATED EITHER IN WHOLE OR IN PART UNDER DRIVEWAYS, PARKING AREAS, TURNING AREAS OR OTHER IMPERVIOUS MATERIAL, OR WHEN PRESSURE Dosed.
- 12) SOIL ABSORPTION SYSTEM SHALL BE COVERED WITH A MINIMUM OF 9" OF CLEAN MEDIUM SAND (EXCLUDING TOPSOIL).
- 13) FINISH GRADE SHALL BE A MAXIMUM OF 36" OVER THE TOP OF ALL SYSTEM COMPONENTS, INCLUDING THE SEPTIC TANK, DISTRIBUTION BOX, DOSING CHAMBER AND SOIL ABSORPTION SYSTEM. SEPTIC TANKS SHALL HAVE A MINIMUM COVER OF 9".
- 14) FROM THE DATE OF INSTALLATION OF THE SOIL ABSORPTION SYSTEM UNTIL RECEIPT OF A CERTIFICATE OF COMPLIANCE, THE PERIMETER OF THE SOIL ABSORPTION SYSTEM SHALL BE STAKED AND FLAGGED TO PREVENT THE USE OF SUCH AREA FOR ALL ACTIVITIES THAT MIGHT DAMAGE THE SYSTEM.
- 15) SURFACE COMPONENTS OF A SYSTEM SHALL NOT BE BACKFILLED OR OTHERWISE CONCEALED FROM VIEW UNTIL A FINAL INSPECTION HAS BEEN CONDUCTED BY THE APPROVING AUTHORITY AND PERMISSION HAS BEEN GRANTED BY THE APPROVING AUTHORITY TO BACKFILL THE SYSTEM. THE DESIGNER SHALL INSPECT THE CONSTRUCTION AFTER THE INITIAL EXCAVATION, PRIOR TO BACKFILLING, AND DURING BACKFILLING. IN ADDITION, THE FINAL INSPECTION OF THE SYSTEM SHALL BE CONDUCTED BY THE APPROVING AUTHORITY. THE SYSTEM INSTALLER AND DESIGNER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE RESIDENT TO S10 OR 15.02(13). ANY COMPONENT OF THE SYSTEM WHICH HAS BEEN COVERED WITHOUT SUCH PERMISSION SHALL BE UNCOVERED UPON REQUEST OF THE APPROVING AUTHORITY OR THE DEPARTMENT.
- 16) OWNER/CONTRACTOR SHALL REVIEW HOUSE LOCATION, GRADING AND DWELLING ELEVATION PRIOR TO THE START OF CONSTRUCTION.
- 17) OWNER/CONTRACTOR SHALL REVIEW DRIVEWAY LOCATION, GRADING, AND AND MATERIAL PRIOR TO THE START OF CONSTRUCTION.
- 18) CONTRACTOR SHALL VERIFY BUILDING SETBACKS; COMPLIANCE WITH ZONING SETBACKS IS NOT EXPRESSED OR IMPLIED HEREON.
- 19) INSTALLER TO CONFIRM LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO START OF CONSTRUCTION.

**SOIL TEST LOGS:**

TEST HOLE 1: EL=64.2±	DEPTH FROM SURFACE (FEET)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-1.2	A	Fine Loamy Sand	10YR 5/2	NONE		
1.2-2.9	D	Loamy Medium-Coarse Sand	10YR 5/2	NONE		
2.9-1.62	C	Medium-Coarse Sand	10YR 6/4	NONE		NO G.W. ENCOUNTERED

TEST HOLE 2: EL=64.0±	DEPTH FROM SURFACE (FEET)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-1.1	A	Fine Loamy Sand	10YR 5/2			
1.1-5.2	B	Loamy Medium-Coarse Sand	10YR 5/2			PERC @ 3% < 2MM(SI)
5.2-1.65	C	Medium-Coarse Sand	10YR 6/4			NO G.W. ENCOUNTERED

TEST HOLE 3: EL=65.3±	DEPTH FROM SURFACE (FEET)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-1	A	Fine Loamy Sand	10YR 5/2			
1-1.39	D	Loamy Medium-Coarse Sand	10YR 5/2			10% GRAVEL & COBBLES
1.39-1.23	C	Medium-Coarse Sand	10YR 6/4			NO G.W. ENCOUNTERED

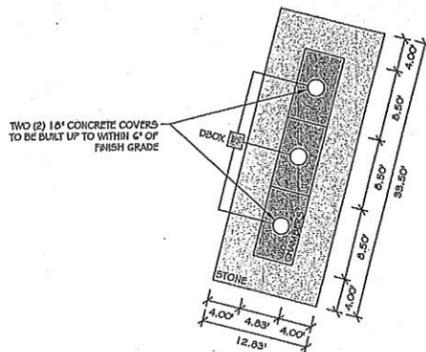
TEST HOLE 4: EL=65.6±	DEPTH FROM SURFACE (FEET)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-5	A	Fine Loamy Sand	10YR 5/2			
5-11	B	Loamy Medium-Coarse Sand	10YR 5/2			10% GRAVEL & COBBLES
11-1.23	C	Medium-Coarse Sand	10YR 6/4			PERC @ 7% < 2MM(SI)

DATE OF TESTING: 11/14/19  
 PERCOLATION RATE: LESS THAN 2 MINUTHS IN 1" & 1" LAYERS.  
 WITNESSED BY: MATTHEW J. WROBEL, ET. J.M. O'REILLY & ASSOCIATES, INC.  
 KATHLEEN TENAGLIA, AGENT, HARWICH HEALTH DEPARTMENT  
 NO WATER ENCOUNTERED  
 USE A LEACHING RATE OF 0.74 GPD/SF FOR SIZING OF SOIL ABSORPTION SYSTEM.

**SYSTEM DESIGN CALCULATIONS:**

SEWAGE DESIGN FLOW:  
 4 BEDROOM DWELLING @ 110 GPD = 440 GPD  
 LEACHING CAPACITY REQUIRED:  
 4 BEDROOMS (MAX.) @ 110 GPD = 440 GPD REQUIRED  
 PRIMARY SEPTIC TANK CAPACITY REQUIRED:  
 DAILY FLOW = 440 GPD @ 200% = 880 GAL. REQUIRED  
 PRIMARY SEPTIC TANK CAPACITY PROVIDED:  
 1500 GALLON SEPTIC TANK (MIN. ALLOWED)  
 SECONDARY SEPTIC TANK CAPACITY REQUIRED:  
 DAILY FLOW = 440 GPD @ 100% = 440 GAL. REQUIRED  
 SECONDARY SEPTIC TANK CAPACITY PROVIDED:  
 1000 GALLON SEPTIC TANK (MIN. ALLOWED)  
 LEACHING CAPACITY PROVIDED:  
 ONE (1) 33.5' x 12.03' x 2.0' LEACHING CHAMBER CAN LEACH:  
 $V = (33.5 \times 12.03 \times 2.0) \times 0.74 \text{ GPD/SF} = 485.19 \text{ GPD}$   
 485 GPD > 440 GPD REQUIRED  
 NOTE: A GARBAGE DISPOSAL IS NOT PERMITTED WITH THIS DESIGN.  
 INSTALL:  
 ONE (1) - 1500 GALLON PRIMARY SEPTIC TANK  
 ONE (1) - 1000 GALLON SECONDARY SEPTIC TANK  
 ONE (1) - 3 OUTLET DISTRIBUTION BOX (H-20 RATED)  
 THREE (3) - 500 GALLON LEACH CHAMBERS WITH 4" OF NATIVE STONE ALL AROUND

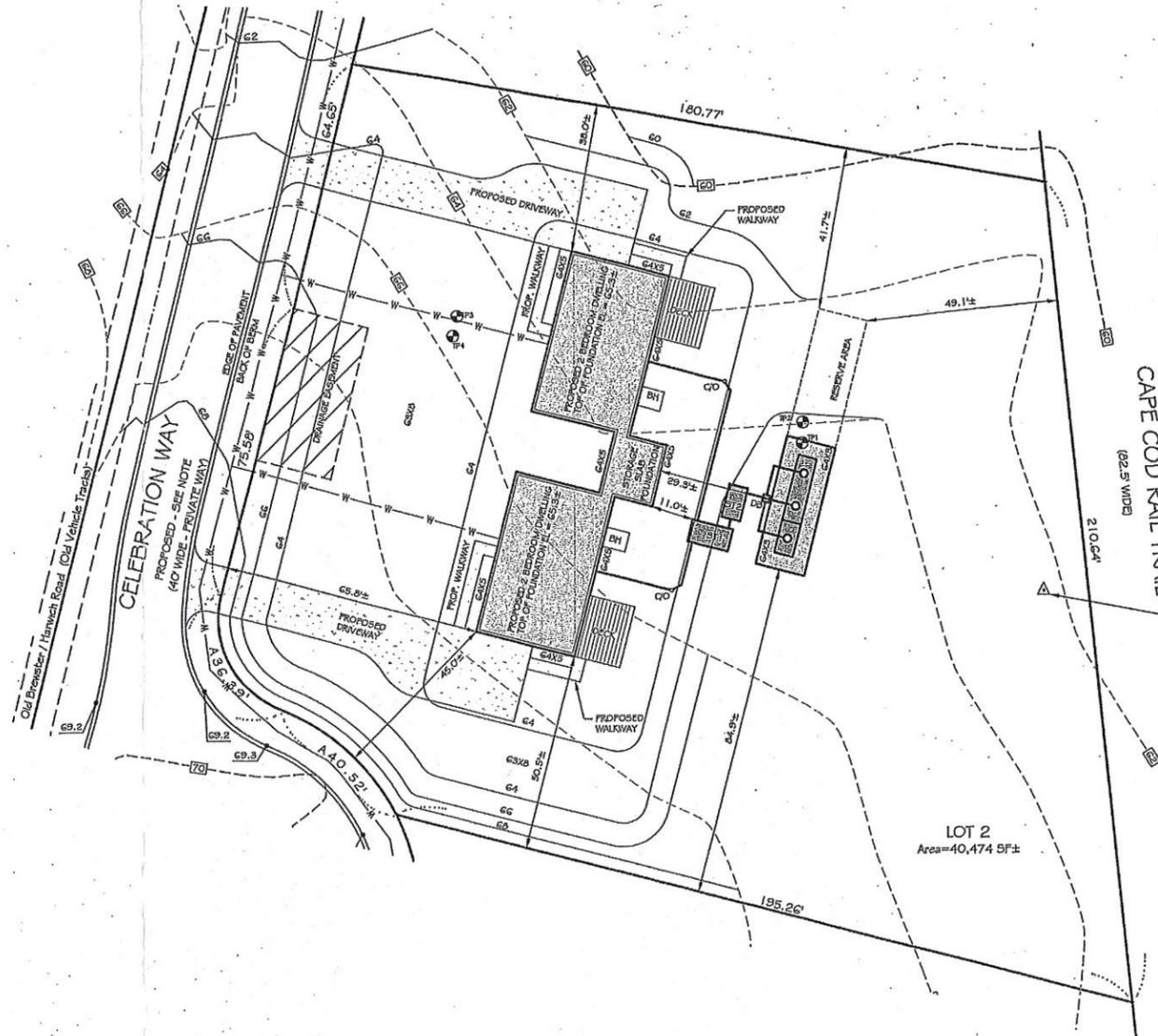
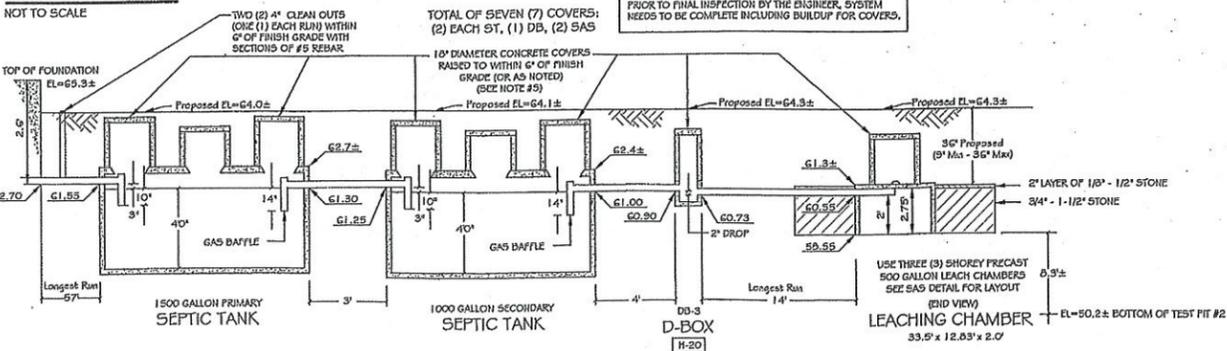
**SAS DETAIL**



**ZONING TABLE**

FR ZONE	
FRONT YARD SETBACK	25 FEET
SIDE AND REAR YARD SETBACKS	20 FEET
BUILDING COVERAGE	15 %
SITE COVERAGE	25 %
BUILDING HEIGHT	30 FEET
PROPOSED BUILDING COVERAGE:	
$\frac{\text{BUILDING AREAS}}{\text{LOT AREA}} \times 100$	
$\frac{2,403 \text{ SF}}{40,474 \text{ SF}} \times 100 = 5.9\% < 15\%$ , OK	
PROPOSED SITE COVERAGE:	
$\frac{\text{BUILDING, DECK, BULKHEAD, WALKWAY & DRIVEWAY AREAS}}{\text{LOT AREA}} \times 100$	
$\frac{5,625 \text{ SF}}{40,474 \text{ SF}} \times 100 = 13.9\% < 25\%$ , OK	
PROPOSED BUILDING HEIGHT CALCULATIONS	
AVERAGE GRADE = (61.4 + 67.6) / 2 = 64.5	
MAX. ALLOWABLE ELEVATION: 64.5 + 30 = 94.5	
PROPOSED ELEVATION:	
65.3 (TOP) + 25.1 (BUILDING HEIGHT) = 90.4 < 94.5, OK	

**FLOW PROFILE:**



**LEGEND**

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT GRADE
- PROPOSED SPOT GRADE
- WATER SERVICE LINE
- OVERHEAD UTILITY SERVICE
- UNDERGROUND UTILITY SERVICE
- GAS SERVICE LINE
- TEST HOLE / BORING LOCATION
- SEPTIC TANK
- DISTRIBUTION BOX
- SOIL ABSORPTION SYSTEM
- RESERVED FOR FUTURE
- UTILITY POLE
- CATCH BASIN
- FIRE HYDRANT
- WELL
- DRAINAGE MANHOLE
- CONCRETE BOUND, FOUND
- TOP OF BANK
- LIMIT OF WORK
- FENCE
- EDGE OF CLEARING

**CELEBRATION WAY NOTE:**  
 PROPOSED ROAD PROFILE AND PLAN FOR CELEBRATION WAY ARE TAKEN FROM THE PLAN AND PROFILE PRIVATE WAY TO ACCOMPANY DEFINITIVE SUBDIVISION PLAN Laid IN HARWICH, MA AS PREPARED FOR THE DAVENPORT COMPANIES' PREPARED BY WILCOX & WILCOX, INC. DATED JULY 11, 2019, REVISED 10-7-2019.

**PLAN**  
 SCALE 1"=20'  
 THIS AREA IS SERVED BY TOWN WATER.

*#6 Celebration*

**DAVENPORT COMPANIES, INC.**  
 20 NORTH MAIN STREET, YARMOUTH, MA 02664

**SITE & SEWAGE DISPOSAL SYSTEM DESIGN**  
 "LOT 2", 79 HEADWATER DRIVE, HARWICH, MA

**J.M. O'REILLY & ASSOCIATES, INC.**  
 Professional Engineering & Land Surveying Services

1573 Main Street - Route 8A  
 P.O. Box 1773  
 Brewster, MA 02631 (508)850-6808 Fax

DATE: 12/12/19 SCALE: As Noted BY: MJW CHECK: JMO JOB NUMBER: JMO-8745



**Agenda Item II.D**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 12, 2020  
Re: Use Special Permit Staff Report

**PB2020-05 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 14 Celebration Way, Map 81, Parcel C1-4 in the R-L District.

The Planning Board will hold a public hearing on this matter on Tuesday, February 25, 2020 not sooner than 6:30 P.M.

**Description**

The applicants seek a special permit to build a two-family dwelling pursuant to §325-51 N of the Harwich Town Code. The application and plans were filed with the Town Clerk on January 22, 2020, and includes the following:

1. Form A Planning Board Application date received January 23, 2020.
2. Waiver letter dated January 21, 2020 from Ryder & Wilcox.
3. “Site & Sewage Disposal System Design” Lot 4, 79 Headwater Drive, Harwich, MA, dated 12/12/19, scale 1”=20’ prepared by J. M. O’Reilly & Associates, Inc.
4. Set of Building Plans, “New Home for Davenport Building Co.”, Bog Lane, Harwich, Massachusetts 02645, dated 11/11/16, by Davenport Building Company, as follows:
  - a. Sheet A1 – Perspectives
  - b. Sheet A2 – Elevations, scale ¼” = 1’-0”
  - c. Sheet A3 – Floor Plans, scale ¼” = 1’-0”
  - d. Sheet A4 – First Floor, scale ¼” = 1’-0”
  - e. Sheet A5 – Floor Framing, scale ¼” = 1’-0”
  - f. Sheet A-6 – Framing, scale ¼” = 1’-0”
  - g. Sheet A-7 – Roof Framing, scale ¼” = 1’-0”
  - h. Sheet A-8 – Sections, scale ¼” = 1’-0”

**MGL Reference and Planning Board Jurisdiction**

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

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

*§325-51.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.*

**Waiver:**

A waiver is requested from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

**Fee:** A filing fee of \$525.00 was paid on January 23, 2020.

**Comments from Other Boards/Committee/Departments:**

**Health:** This 4 lot subdivision was approved by the Board of Health during their regularly scheduled August 2019 meeting. The approval was conditioned on the submittal a favorable Environmental Impact Report (EIR). As originally designed for 32 bedrooms, the EIR was not approved as presented. This EIR was withdrawn without prejudice with the understanding that the subdivision would support no more than 18 bedrooms in total in order to be below the 2,000 gallon per day threshold for EIR requirements.

The plans submitted for the Planning Board review indicate 18 bedrooms in total as follows:

- 10 Celebration Way: 6 bedrooms (two-3 bedroom units)
- 2 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 6 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 14 Celebration Way: 4 bedrooms (two-2 bedroom units)

This allocation of bedrooms remains under the 2,000 gallon per day threshold and is acceptable to the Health Department. All properties will require compliant Title 5 septic systems and recorded deed restrictions reflecting the maximum number of bedrooms permitted.

**Engineering:** See Planning Staff Comments below.

**Fire, Police and Highway:** No concerns.

**Conservation:** Not in Conservation jurisdiction – No concerns.

**Planning Staff Comments:**

1. The Town Engineer and Town Planner reviewed the plans and application on February 7, 2020. Based on that review the following conditions are recommended:
  - a. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.

- b. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.
- c. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
2. Pursuant to §325-51.N the requirements/criteria for issuing a special permit are as follows:
  - a. The lot area shall contain a minimum of 40,000 square feet of continuous upland in all applicable zoning districts.
    - The lot size is 44,833 s.f.
  - b. The floor area for each dwelling unit shall be a minimum of 800 square feet.
    - The floor area for each unit contains ~1,090 sq. ft.
  - c. A common roof or a series of roofs shall connect the dwelling units.
    - A common roof existing for the two units
  - d. There shall be a minimum of two off street parking spaces per each unit.
    - Two off street parking spaces per unit are proposed.
3. There is a strong need for rental units within the Town of Harwich.
4. The requested waivers are reasonable.
5. Standard conditions are recommended.

## 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 **PB2020-05 Davenport Companies**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *March 10, March 24, April 14*) for the following reason(s): *Need to provide reasons for the continuance...additional information.*

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

#### **I. Vote to Close the Public Hearing**

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

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

### **Waivers**

Move to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

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

- I. Move to ***approve*** a Use Special Permit with waivers for PB2020-05 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 14 Celebration Way, Map 81, Parcel C1-4 in the R-L District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval.
  
- II. Motion to ***approve with conditions*** a Use Special Permit with waivers for PB2020-05 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 14 Celebration Way, Map 81, Parcel C1-4 in the R-L District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:
  1. Each unit shall have no more than two (2) bedrooms, per the Board of Health.
  2. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.
  3. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.
  4. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
  5. The Special Permit decision shall be recorded at the Registry of Deeds.
  6. Any changes to the plan shall be subject to further Planning Board review.
  
- III. Motion to ***deny*** a Use Special Permit with waivers for PB2020-05 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 14 Celebration Way, Map 81, Parcel C1-4 in the R-L District, based on the fact(s) that...*(need to provide reasons for denial)*

**GENERAL NOTES:**

- A) NEITHER DRIVEWAYS NOR PARKING AREAS ARE ALLOWED OVER SEPTIC SYSTEM UNLESS H-20 COMPONENTS ARE USED.
- B) THE DESIGNER WILL NOT BE RESPONSIBLE FOR THE SYSTEM AS DESIGNED UNLESS CONSTRUCTED AS SHOWN. ANY CHANGES SHALL BE APPROVED IN WRITING.
- C) CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.

**CONSTRUCTION NOTES:**

- 1) ALL CONSTRUCTION SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE, TITLE 5, AND THE REQUIREMENTS OF THE LOCAL BOARD OF HEALTH.
- 2) SEPTIC TANK(S), GREASE TRAP(S), DOSING CHAMBER(S) AND DISTRIBUTION BOX(S) SHALL BE SET ON A LEVEL, STABLE BASE WHICH HAS BEEN MECHANICALLY COMPACTED, OR ON A 6 INCH CRUSHED STONE BASE.
- 3) SEPTIC TANK(S) SHALL MEET ASTM STANDARD G1 27-95 AND SHALL HAVE AT LEAST THREE 20" DIAMETER MANHOLES. THE MINIMUM DEPTH FROM THE BOTTOM OF THE SEPTIC TANK TO THE FLOW LINE SHALL BE 4'0".
- 4) SCHEDULE 40 PVC INLET AND OUTLET TEES SHALL EXTEND A MINIMUM OF 6" ABOVE THE FLOW LINE OF THE SEPTIC TANK AND SHALL BE INSTALLED ON THE CENTERLINE OF THE TANK DIRECTLY UNDER THE CLEANOUT MANHOLE.
- 5) RAISE COVERS OF THE SEPTIC TANK AND DISTRIBUTION BOX WITH PRECAST CONCRETE WATER TIGHT RISERS OVER INLET AND OUTLET TEES TO WITHIN 6" OF FINISH GRADE, OR AS APPROVED BY THE LOCAL BOARD OF HEALTH AGENT.
- 6) FINISH SHALL CONSIST OF 4" SCHEDULE 40 PVC OR EQUIVALENT. FIVE SHALL BE LAID ON A MINIMUM CONTIGUOUS GRADE OF NOT LESS THAN 1%.
- 7) DISTRIBUTION LINES FOR SOIL ABSORPTION SYSTEM (AS REQUIRED) SHALL BE 4" DIAMETER SCHEDULE 40 PVC LAID AT 0.005 FEET. LINE SHALL BE CAPPED AT END OR AS NOTED.
- 8) OUTLET PIPES FROM DISTRIBUTION BOX SHALL REMAIN LEVEL FOR AT LEAST 2' BEFORE FITTING TO SOIL ABSORPTION SYSTEM. WATER TEST DISTRIBUTION BOX TO ASSURE EVEN DISTRIBUTION.
- 9) DISTRIBUTION BOX SHALL HAVE A MINIMUM 3/4" OF 6" MEASURED BELOW THE OUTLET INVERT.
- 10) BASE AGGREGATE FOR THE LEACHING FACILITY SHALL CONSIST OF 3/4" TO 1-1/2" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST AND SHALL BE INSTALLED BELOW THE COXIN OF THE DISTRIBUTION LINE TO THE BOTTOM OF THE SOIL ABSORPTION SYSTEM. BASE AGGREGATE SHALL BE COVERED WITH A 2" LAYER OF 1/2" TO 1/2" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST.
- 11) VENT SOIL ABSORPTION SYSTEM WHEN DISTRIBUTION LINES EXCEED 50 FEET, WHEN LOCATED EITHER IN WHOLE OR IN PART UNDER DRIVEWAYS, PARKING AREAS, TURNING AREAS OR UNDER MATERIAL, OR WHEN PRESSURE Dosed.
- 12) SOIL ABSORPTION SYSTEM SHALL BE COVERED WITH A MINIMUM OF 8" OF CLEAN MEDIUM SAND (EXCLUDING TOPSOIL).
- 13) FINISH GRADE SHALL BE A MAXIMUM OF 36" OVER THE TOP OF ALL SYSTEM COMPONENTS, INCLUDING THE SEPTIC TANK, DISTRIBUTION BOX, DOSING CHAMBER AND SOIL ABSORPTION SYSTEM. SEPTIC TANKS SHALL HAVE A MINIMUM COVER OF 9".
- 14) FROM THE DATE OF INSTALLATION OF THE SOIL ABSORPTION SYSTEM UNTIL RECEIPT OF A CERTIFICATE OF COMPLIANCE, THE PERIMETER OF THE SOIL ABSORPTION SYSTEM SHALL BE STAKED AND FLAGGED TO PREVENT THE USE OF SUCH AREA FOR ALL ACTIVITIES THAT MIGHT DAMAGE THE SYSTEM.
- 15) SUBSURFACE COMPONENTS OF A SYSTEM SHALL NOT BE BACKFILLED OR OTHERWISE CONCEALED FROM VIEW UNTIL A FINAL INSPECTION HAS BEEN CONDUCTED BY THE APPROVING AUTHORITY AND PERMISSION HAS BEEN GRANTED BY THE APPROVING AUTHORITY TO BACKFILL THE SYSTEM. THE DESIGNER SHALL INSPECT THE CONSTRUCTION AFTER THE INITIAL EXCAVATION, PRIOR TO BACKFILLING, AND DURING BACKFILLING. IN ADDITION, THE FINAL INSPECTION OF THE SYSTEM SHALL BE CONDUCTED BY THE APPROVING AUTHORITY, THE SYSTEM INSTALLER AND DESIGNER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE PURSUANT TO 810 CMR 15.02(10). ANY COMPONENT OF THE SYSTEM WHICH HAS BEEN COVERED WITHOUT SUCH PERMISSION SHALL BE UNCOVERED UPON REQUEST OF THE APPROVING AUTHORITY OR THE DEPARTMENT.
- 16) SOIL REMOVAL: THE TOP SOIL 1/4" LAYER SHALL BE REMOVED FOR A DISTANCE OF 8' FROM THE SOIL ABSORPTION SYSTEM DOWN TO THE LOAMY MEDIUM-COARSE SAND 2" LAYER. AREA TO BE BACKFILLED WITH CLEAN SAND AND COMPACTED TO MINIMIZE SETTLEMENT.
- 17) OWNER/CONTRACTOR SHALL REVIEW HOUSE LOCATION, GRADING AND DWELLING ELEVATION PRIOR TO THE START OF CONSTRUCTION.
- 18) OWNER/CONTRACTOR SHALL REVIEW DRIVEWAY LOCATION, GRADING, AND MATERIAL PRIOR TO THE START OF CONSTRUCTION.
- 19) CONTRACTOR SHALL VERIFY BUILDING SETBACKS; COMPLIANCE WITH ZONING SETBACKS IS NOT EXPRESSED OR IMPLIED HEREON.
- 20) INSTALLER TO CONFIRM LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO START OF CONSTRUCTION.
- 21) 40 MIL HDPE LINER: THE SOIL ABSORPTION SYSTEM SHALL HAVE A 40 MIL HDPE LINER INSTALLED, AS SHOWN ON THE PLAN VIEW (-----). TOP OF LINER SHALL BE FROM EL=61.6 DOWN TO ELEVATION 59.6. LINER SHALL BE APPROXIMATELY 75 FEET.

**SOIL TEST LOGS:**

TEST HOLE 1: EL=61.5±					
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-7	A	Fine Loamy Sand	10YR 3/2	NONE	
7-39	B	Loamy Medium-Coarse Sand	10YR 5/3	NONE	
39-185	C	Medium-Coarse Sand	10YR 5/4	NONE	NO G.W. ENCOUNTERED

TEST HOLE 2: EL=61.0±					
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-10	A	Fine Loamy Sand	10YR 3/2		
10-37	B	Loamy Medium-Coarse Sand	10YR 5/3	PERC @ 37% < 2MININ	
37-185	C	Medium-Coarse Sand	10YR 5/4		

TEST HOLE 3: EL=61.1±					
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-13	A	Fine Loamy Sand	10YR 3/2		
13-45	B	Loamy Medium-Coarse Sand	10YR 5/3		
45-170	C	Medium-Coarse Sand	10YR 5/4		NO G.W. ENCOUNTERED

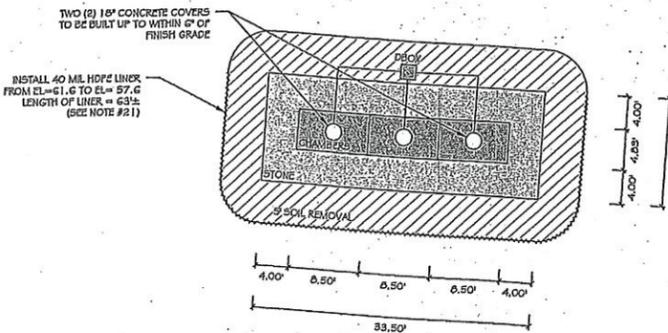
TEST HOLE 4: EL=55.0±					
DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOTTLING	OTHER
0-13	A	Fine Loamy Sand	10YR 3/2		
13-32	B	Loamy Medium-Coarse Sand	10YR 5/3		
32-134	C	Medium-Coarse Sand	10YR 5/4		PERC @ 60% < 2MININ

DATE OF TESTING: 1/11/19  
 PERCOLATION RATES LESS THAN 2 MININCH IN 1" & 1" LAYERS.  
 WITNESSED BY: MATTHEW J. WROBEL, ET. AL. ORDINALLY & ASSOCIATES, INC.  
 KATHLEEN THAGUA, AGENT, HARWICH HEALTH DEPARTMENT  
 NO WATER ENCOUNTERED  
 USE A LOADING RATE OF 0.74 GPD/SF FOR SIZING OF SOIL ABSORPTION SYSTEM.

**SYSTEM DESIGN CALCULATIONS:**

**SEWAGE DESIGN FLOW**  
 4 BEDROOM DWELLING @ 110 GPD = 440 GPD  
**LEACHING CAPACITY REQUIRED:**  
 4 BEDROOMS (MAX.) @ 110 GPD = 440 GPD REQUIRED  
**PRIMARY SEPTIC TANK CAPACITY REQUIRED:**  
 DAILY FLOW = 440 GPD @ 200% = 880 GAL. REQUIRED  
 1500 GALLON SEPTIC TANK (MIN. ALLOWED)  
**SECONDARY SEPTIC TANK CAPACITY REQUIRED:**  
 DAILY FLOW = 440 GPD @ 100% = 440 GAL. REQUIRED  
 1000 GALLON SEPTIC TANK (MIN. ALLOWED)  
**LEACHING CAPACITY PROVIDED:**  
 ONE (1) 33.5' X 12.83' X 2' OF LEACHING CHAMBER CAN LEACH:  
 V = (33.5 X 12.83 X 2) X 0.74 GPD/SF = 455.19 GPD  
 455 GPD > 440 GPD REQUIRED  
 NOTE: A GARBAGE DISPOSAL IS NOT PERMITTED WITH THIS DESIGN.

**SAS DETAIL**  
 SCALE: 1" = 10'



RR ZONE	
FRONT YARD SETBACK	25 FEET
SIDE AND REAR YARD SETBACKS	20 FEET
BUILDING COVERAGE	15 %
SITE COVERAGE	25 %
BUILDING HEIGHT	30 FEET

PROPOSED BUILDING COVERAGE:	
BUILDING AREAS	X 100
LOT AREA	46,061 SF±
2,408 SF± X 100 = 5.2% < 15%, OK	

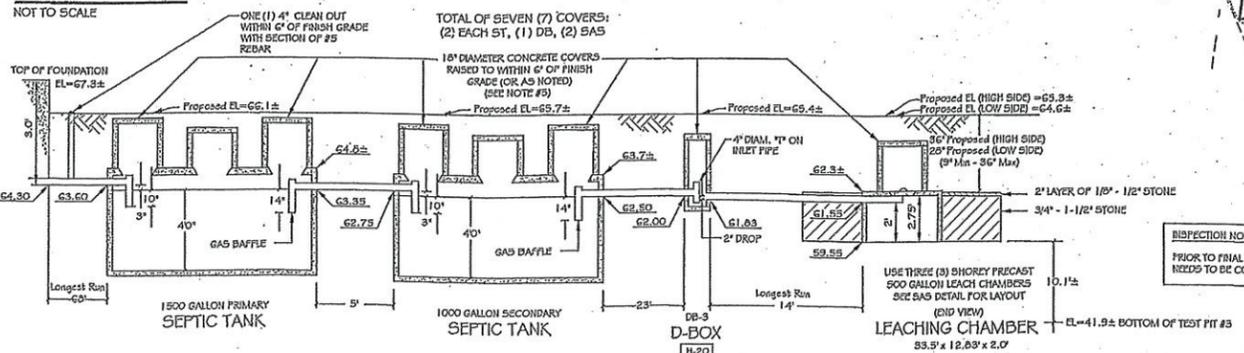
PROPOSED SITE COVERAGE:	
BUILDING, DECK, BULKHEAD, WALKWAY & DRIVEWAY AREAS	X 100
LOT AREA	46,061 SF±
6,931 SF± X 100 = 15.0% < 25%, OK	

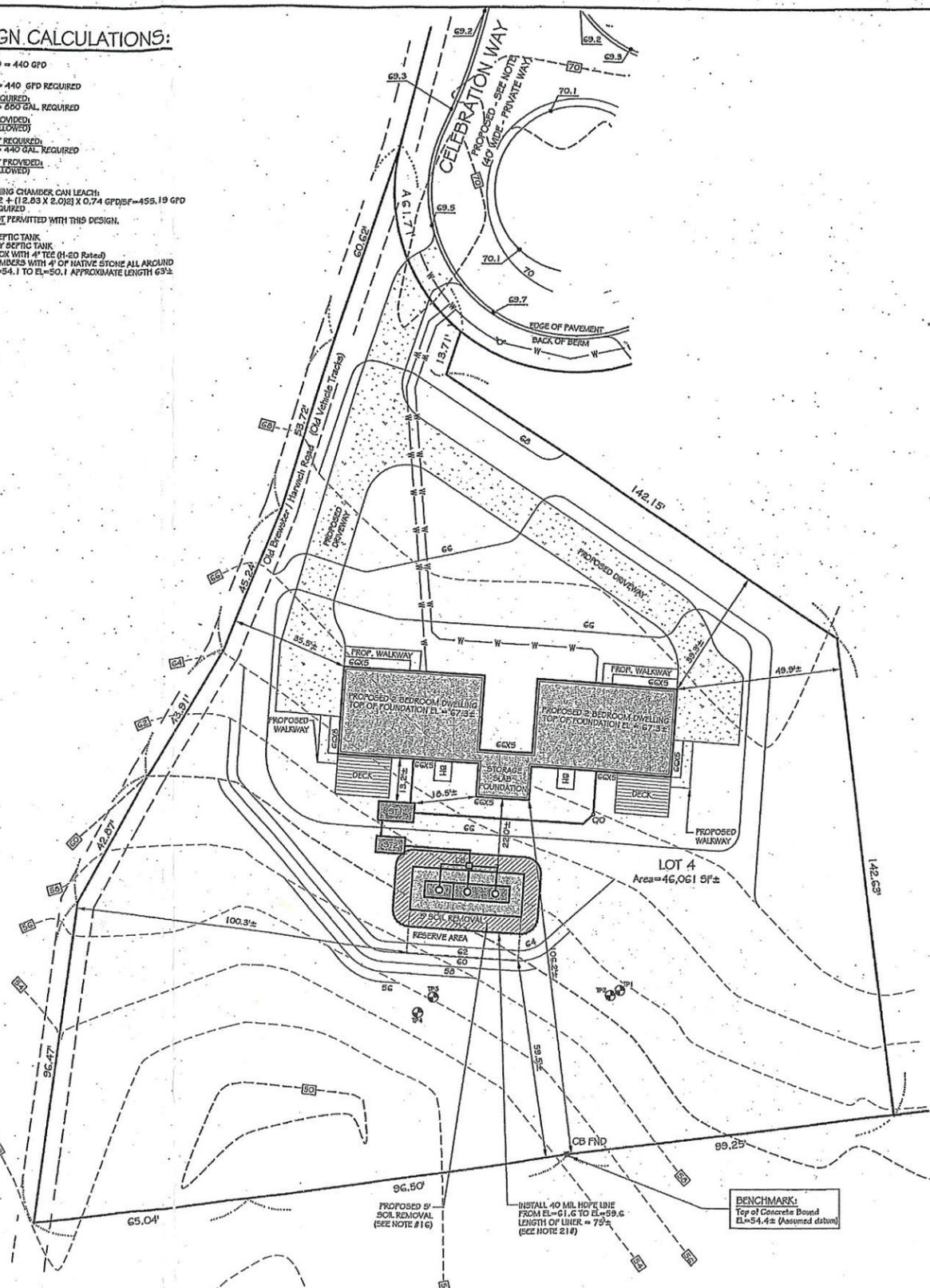
PROPOSED BUILDING HEIGHT CALCULATIONS	
AVERAGE GRADE = (63.4 + 67.8) / 2 = 65.6	
MAX. ALLOWABLE ELEVATION: 65.6 + 20 = 85.6	
PROPOSED ELEVATION: 67.3 (TOP) + 23.1 (BUILDING HEIGHT) = 90.4 < 85.6, OK	



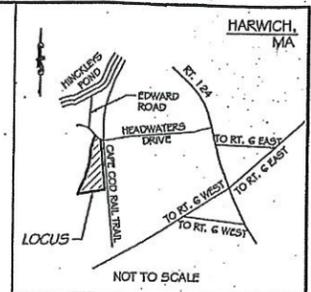
**FLOW PROFILE:**  
 NOT TO SCALE



**INSPECTION NOTE:**  
 PRIOR TO FINAL INSPECTION BY THE ENGINEER, SYSTEM NEEDS TO BE COMPLETE INCLUDING BUILDUP FOR COVERS.



**#14 Celebration**  
 THE LAYOUT AND DIMENSIONS OF THE PROPOSED DWELLING HAS BEEN TAKEN FROM THE PLAN DATED 1/11/16, PREPARED BY DAVENPORT BUILDING COMPANY.



PLAN BOOK DEED BOOK 1132 ASSESSOR'S MAP #1  
 PAGE 443 PARCEL C1-0

**LEGEND**

- EXISTING CONTOUR
- - - PROPOSED CONTOUR
- X1234 PROPOSED SPOT GRADE
- 24x5 PROPOSED SPOT GRADE
- WATER SERVICE LINE
- OVERHEAD UTILITY SERVICE
- UNDERGROUND UTILITY SERVICE
- GAS SERVICE LINE
- TEST HOLE / BORING LOCATION
- ST SEPTIC TANK
- SB DISTRIBUTION BOX
- SAS SOIL ABSORPTION SYSTEM
- Reserve UTILITY POLE FOR FUTURE
- CB CATCH BASIN
- ⊕ FIRE HYDRANT
- WELL
- DRAINAGE MANHOLE
- CONCRETE BOUND, FOUND
- TOP OF BANK
- LIMIT OF WORK
- FENCE
- EDGE OF CLEARING

**CELEBRATION WAY NOTE:**  
 PROPOSED ROAD PROFILE AND PLAN FOR CELEBRATION WAY ARE TAKEN FROM THE PLAN AND PROFILE PRIVATE WAY TO ACCOMPANY DEFINITIVE SUBDIVISION PLAN LAND IN HARWICH, MA AS PREPARED FOR THE DAVENPORT COMPANIES' PREPARED BY WILCOX & WILCOX, INC. DATED JULY 11, 2019. REVISED 10-7-2019.

**PLAN**  
 SCALE 1" = 20'  
 THIS AREA IS SERVED BY TOWN WATER.

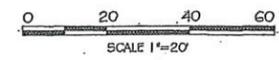
**DAVENPORT COMPANIES, INC.**  
 20 NORTH MAIN STREET, YARMOUTH, MA 02664

**SITE & SEWAGE DISPOSAL SYSTEM DESIGN**  
 LOT 4, 79 HEADWATER DRIVE, HARWICH, MA

**J.M. O'REILLY & ASSOCIATES, INC.**  
 Professional Engineering & Land Surveying Services

1575 Main Street - Route 6A  
 P.O. Box 1773  
 (608)898-8801 Office Brewster, MA 02831 (608)898-8802 Fax

DATE: 12/12/19 SCALE: As Noted BY: M/W CHECK: JMO JOB NUMBER: JMO-8748





**Agenda Item II.E**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 12, 2020  
Re: Use Special Permit Staff Report

**PB2020-06 Davenport Companies**, applicant and prospective buyer, c/o Philip O. Scholomiti, PLS, representative, Estate of James G. Marceline, as owner(s) seeks approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 10 Celebration Way, Map 81, Parcel C1-3 in the R-L District.

The Planning Board will hold a public hearing on this matter on Tuesday, February 25, 2020 not sooner than 6:30 P.M.

**Description**

The applicants seek a special permit to build a two-family dwelling pursuant to §325-51 N of the Harwich Town Code. The application and plans were filed with the Town Clerk on January 22, 2020, and includes the following:

1. Form A Planning Board Application date received January 23, 2020.
2. Waiver letter dated January 21, 2020 from Ryder & Wilcox.
3. “Site & Sewage Disposal System Design” Lot 4, 79 Headwater Drive, Harwich, MA, dated 12/12/19, scale 1”=20’ prepared by J. M. O’Reilly & Associates, Inc.
4. Set of Building Plans, “New Home for Davenport Building Co.”, Bog Lane, Harwich, Massachusetts 02645, dated 11/11/16, by Davenport Building Company, as follows:
  - a. Sheet A1 – Perspectives
  - b. Sheet A2 – Elevations, scale ¼” = 1’-0”
  - c. Sheet A3 – Floor Plans, scale ¼” = 1’-0”
  - d. Sheet A4 – First Floor, scale ¼” = 1’-0”
  - e. Sheet A5 – Floor Framing, scale ¼” = 1’-0”
  - f. Sheet A-6 – Framing, scale ¼” = 1’-0”
  - g. Sheet A-7 – Roof Framing, scale ¼” = 1’-0”
  - h. Sheet A-8 – Sections, scale ¼” = 1’-0”

**MGL Reference and Planning Board Jurisdiction**

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

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

*§325-51.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.*

**Waiver:**

A waiver is requested from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

**Fee:** A filing fee of \$525.00 was paid on January 23, 2020.

**Comments from Other Boards/Committee/Departments:**

**Health:** This 4 lot subdivision was approved by the Board of Health during their regularly scheduled August 2019 meeting. The approval was conditioned on the submittal a favorable Environmental Impact Report (EIR). As originally designed for 32 bedrooms, the EIR was not approved as presented. This EIR was withdrawn without prejudice with the understanding that the subdivision would support no more than 18 bedrooms in total in order to be below the 2,000 gallon per day threshold for EIR requirements.

The plans submitted for the Planning Board review indicate 18 bedrooms in total as follows:

- 10 Celebration Way: 6 bedrooms (two-3 bedroom units)
- 2 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 6 Celebration Way: 4 bedrooms (two-2 bedroom units)
- 14 Celebration Way: 4 bedrooms (two-2 bedroom units)

This allocation of bedrooms remains under the 2,000 gallon per day threshold and is acceptable to the Health Department. All properties will require compliant Title 5 septic systems and recorded deed restrictions reflecting the maximum number of bedrooms permitted.

**Engineering:** See Planning Staff Comments below.

**Fire, Police and Highway:** No concerns.

**Conservation:** Not in Conservation jurisdiction – No concerns.

**Planning Staff Comments:**

1. The Town Engineer and Town Planner reviewed the plans and application on February 7, 2020. Based on that review the following conditions are recommended:
  - a. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.

- b. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.
- c. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
2. Pursuant to §325-51 N the requirements/criteria for issuing a special permit are as follows:
  - a. The lot area shall contain a minimum of 40,000 square feet of continuous upland in all applicable zoning districts.
    - The lot size is 44,833 s.f.
  - b. The floor area for each dwelling unit shall be a minimum of 800 square feet.
    - The floor area for each unit contains ~1,090 sq. ft.
  - c. A common roof or a series of roofs shall connect the dwelling units.
    - A common roof existing for the two units
  - d. There shall be a minimum of two off street parking spaces per each unit.
    - Two off street parking spaces per unit are proposed.
3. The Building Plans submitted for these units show only two (2) bedrooms. Recommend that revised plans be submitted to the Planning Board and Town Clerk prior to the issuance of a building permit.
4. There is a strong need for rental units within the Town of Harwich.
5. The requested waivers are reasonable.
6. Standard conditions are recommended.

## **BOARD VOTE**

### **Continuance**

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

Move to continue the hearing for **PB2020-06 Davenport Companies**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *March 10, March 24, April 14*) for the following reason(s): *Need to provide reasons for the continuance...additional information.*

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

#### **I. Vote to Close the Public Hearing**

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

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

## Waivers

Move to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

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

- I. Move to ***approve*** a Use Special Permit with waivers for PB2020-06 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 10 Celebration Way, Map 81, Parcel C1-3 in the R-L District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval.
  
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  1. Each unit shall have no more than three (3) bedrooms, per the Board of Health.
  2. Revised building plans representing three (3) bedrooms per unit shall be filed with the Planning Board and Town Clerk prior to the issuance of a building permit.
  3. All stormwater runoff generated with the subject property shall be controlled and infiltrated on the subject property; up to and including the 100 year storm event.
  4. No commencement of site work shall be conducted until stormwater design is reviewed and approved by the Town Engineer.
  5. Said lot must be released from the Planning Board Covenant, Barnstable County Registry of Deeds Book 32590, Page 128, before any site work can commence.
  6. The Special Permit decision shall be recorded at the Registry of Deeds.
  7. Any changes to the plan shall be subject to further Planning Board review.
  
- III. Motion to ***deny*** a Use Special Permit with waivers for PB2020-06 Davenport Companies, applicant and prospective buyer, Estate of James G. Marceline, as owner, a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §325-13.A, §325-51 and §325-51.N for the property located at 10 Celebration Way, Map 81, Parcel C1-3 in the R-L District, based on the fact(s) that...*(need to provide reasons for denial)*

**GENERAL NOTES:**

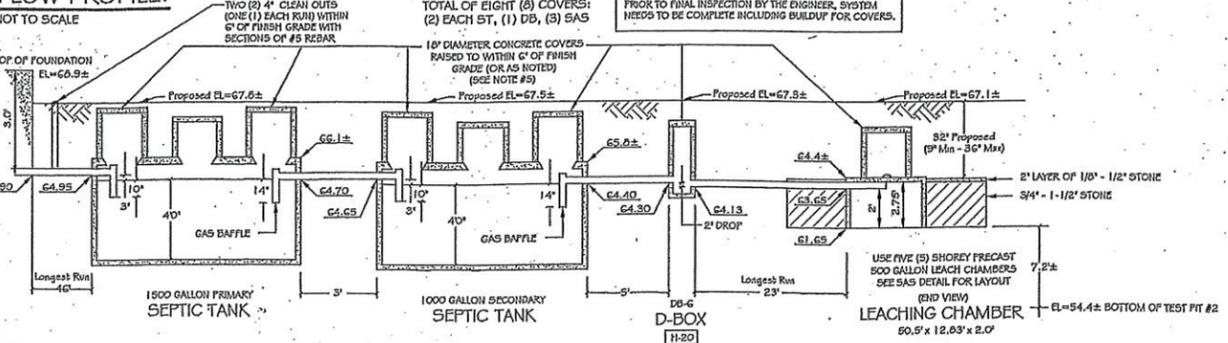
- A) NEITHER DRIVEWAYS NOR PARKING ARE ALLOWED OVER SEPTIC SYSTEM UNLESS H-20 COMPONENTS ARE USED.
- B) THE DESIGNER WILL NOT BE RESPONSIBLE FOR THE SYSTEM AS DESIGNED UNLESS CONSTRUCTED AS SHOWN. ANY CHANGES SHALL BE APPROVED IN WRITING.
- C) CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.

**CONSTRUCTION NOTES:**

- 1.) ALL CONSTRUCTION SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE, TITLE 5, AND THE REQUIREMENTS OF THE LOCAL BOARD OF HEALTH.
- 2.) SEPTIC TANK(S), GREASE TRAP(S), DOSING CHAMBER(S) AND DISTRIBUTION BOX(S) SHALL BE SET ON A LEVEL STABLE BASE WHICH HAS BEEN MECHANICALLY COMPACTED, OR ON A 6 INCH CRUSHED STONE BASE.
- 3.) SEPTIC TANK(S) SHALL MEET ASTM STANDARD C1127-93 AND SHALL HAVE AT LEAST THREE 20" DIAMETER MANHOLES. THE MINIMUM DEPTH FROM THE BOTTOM OF THE SEPTIC TANK TO THE FLOW LINE SHALL BE 40".
- 4.) SCHEDULE 40 PVC INLET AND OUTLET TEES SHALL EXTEND A MINIMUM OF 6" ABOVE THE FLOW LINE OF THE SEPTIC TANK AND SHALL BE INSTALLED ON THE CENTERLINE OF THE TANK DIRECTLY UNDER THE CLEANOUT MANHOLE.
- 5.) RAISE COVERS OF THE SEPTIC TANK AND DISTRIBUTION BOX WITH PRECAST CONCRETE WATER TIGHT RISERS OVER INLET AND OUTLET TEES TO WITHIN 6" OF FINISH GRADE, OR AS APPROVED BY THE LOCAL BOARD OF HEALTH AGENT.
- 6.) PIPING SHALL CONSIST OF 4" SCHEDULE 40 PVC OR EQUIVALENT. PIPE SHALL BE LAD ON A MINIMUM CONTINUOUS GRADE OF NOT LESS THAN 1%.
- 7.) DISTRIBUTION LINES FOR SOIL ABSORPTION SYSTEM (AS REQUIRED) SHALL BE 4" DIAMETER SCHEDULE 40 PVC LAD AT 0.005 FIT/FIT. LINE SHALL BE CAPED AT END OR AS NOTED.
- 8.) OUTLET PIPES FROM DISTRIBUTION BOX SHALL REMAIN LEVEL FOR AT LEAST 2 FEET BEFORE FITTING TO SOIL ABSORPTION SYSTEM. WATER TEST DISTRIBUTION BOX TO ASSURE EVEN DISTRIBUTION.
- 9.) DISTRIBUTION BOX SHALL HAVE A MINIMUM SUMP OF 6" MEASURED BELOW THE OUTLET INVERT.
- 10.) BASE AGGREGATE FOR THE LEACHING FACILITY SHALL CONSIST OF 3/4" TO 1-1/2" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST AND SHALL BE INSTALLED BELOW THE CLEANOUT OF THE DISTRIBUTION LINE TO THE BOTTOM OF THE SOIL ABSORPTION SYSTEM. BASE AGGREGATE SHALL BE COVERED WITH A 2" LAYER OF 1/2" TO 1/4" DOUBLE WASHED STONE FREE OF IRON, FINES AND DUST.
- 11.) VOID SOIL ABSORPTION SYSTEM WHEN DISTRIBUTION LINES EXCEED 50 FEET; WHEN LOCATED EITHER IN WHOLE OR IN PART UNDER DRIVEWAYS, PARKING AREAS, TURNING AREAS OR OTHER UNDESIRABLE MATERIAL, OR WHICH PRESSURE POOLED.
- 12.) SOIL ABSORPTION SYSTEM SHALL BE COVERED WITH A MINIMUM OF 9" OF CLEAN MEDIUM SAND (EXCLUDING TOPSOIL).
- 13.) FINISH GRADE SHALL BE A MAXIMUM OF 36" OVER THE TOP OF ALL SYSTEM COMPONENTS, INCLUDING THE SEPTIC TANK, DISTRIBUTION BOX, DOSING CHAMBER AND SOIL ABSORPTION SYSTEM. SEPTIC TANKS SHALL HAVE A MINIMUM COVER OF 9".
- 14.) FROM THE DATE OF INSTALLATION OF THE SOIL ABSORPTION SYSTEM UNTIL RECEIPT OF A CERTIFICATE OF COMPLIANCE, THE PERMETER OF THE SOIL ABSORPTION SYSTEM SHALL BE STAKED AND FLAGGED TO PREVENT THE USE OF SUCH AREA FOR ALL ACTIVITIES THAT MIGHT DAMAGE THE SYSTEM.
- 15.) SUBSURFACE COMPONENTS OF A SYSTEM SHALL NOT BE BACKFILLED OR OTHERWISE CONCEALED FROM VIEW UNTIL A FINAL INSPECTION HAS BEEN CONDUCTED BY THE APPROVING AUTHORITY AND PERMISSION HAS BEEN GRANTED BY THE APPROVING AUTHORITY TO BACKFILL THE SYSTEM. THE DESIGNER SHALL INSPECT THE CONSTRUCTION AFTER THE INITIAL EXCAVATION, PRIOR TO BACKFILLING, AND DURING BACKFILLING. IN ADDITION, THE FINAL INSPECTION OF THE SYSTEM SHALL BE CONDUCTED BY THE APPROVING AUTHORITY, THE SYSTEM INSTALLER AND DESIGNER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE PURSUANT TO 310 CMR 15.02 (5). ANY COMPONENT OF THE SYSTEM WHICH HAS BEEN COVERED WITHOUT SUCH PERMISSION SHALL BE UNCOVERED UPON REQUEST OF THE APPROVING AUTHORITY OR THE DEPARTMENT.
- 16.) OWNER / CONTRACTOR SHALL REVIEW HOUSE LOCATION, GRADING AND DWELLING ELEVATION PRIOR TO THE START OF CONSTRUCTION.
- 17.) OWNER / CONTRACTOR SHALL REVIEW DRIVEWAY LOCATION, GRADING, AND AID MATERIAL PRIOR TO THE START OF CONSTRUCTION.
- 18.) CONTRACTOR SHALL VERIFY BUILDING SETBACKS; COMPLIANCE WITH ZONING SETBACKS IS NOT EXPRESSED OR IMPLIED HEREIN.
- 19.) INSTALLER TO CONFIRM LOCATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO START OF CONSTRUCTION.

ZONING TABLE	
FRONT YARD SETBACK	25 FEET
SIDE AND REAR YARD SETBACKS	20 FEET
BUILDING COVERAGE	15 %
SITE COVERAGE	25 %
BUILDING HEIGHT	30 FEET
<b>PROPOSED BUILDING COVERAGE:</b>	
BUILDING AREA	2,408 SF ±
LOT AREA	50,819 SF ±
2,408 SF ± x 100 = 4.7% < 15%, OK	
50,819 SF ±	
<b>PROPOSED SITE COVERAGE:</b>	
BUILDING, DECK, BULKHEAD, WALKWAY & DRIVEWAY AREAS	4,935 SF ±
LOT AREA	50,819 SF ±
4,935 SF ± x 100 = 9.7% < 25%, OK	
50,819 SF ±	
<b>PROPOSED BUILDING HEIGHT CALCULATIONS:</b>	
AVERAGE GRADE = (67.0 + 68.4) / 2 = 67.7	
MAX. ALLOWABLE ELEVATION: 67.7 + 30 = 97.7	
PROPOSED ELEVATION:	68.9 (TOP) + 23.1 (BUILDING HEIGHT) = 92.0 < 97.7, OK

**FLOW PROFILE:**



**SOIL TEST LOGS:**

TEST HOLE #1: EL=66.2±	DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOISTURE	OTHER
0-1	A	Fine Loamy Sand	LOVR 2/1	NONE		
1-5.5	B	Loamy Medium-Coarse Sand	LOVR 5/6	NONE		
5.5-14.1	C	Medium-Coarse Sand	LOVR 6/6	NONE		NO G.W. ENCOUNTERED

TEST HOLE #2: EL=66.1±	DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOISTURE	OTHER
0-1.2	A	Fine Loamy Sand	LOVR 2/1			
1.2-4.6	B	Loamy Medium-Coarse Sand	LOVR 5/6			
4.6-14.1	C	Medium-Coarse Sand	LOVR 6/6			PERC @ 63% < 2MINIM

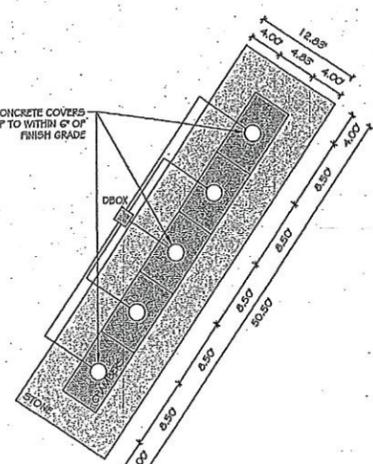
TEST HOLE #3: EL=65.4±	DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOISTURE	OTHER
0-0.7	A	Fine Loamy Sand	LOVR 2/2			
0.7-7.7	B	Loamy Medium-Coarse Sand	LOVR 5/6			PERC @ 33% < 2MINIM
7.7-15.6	C	Medium-Coarse Sand	LOVR 6/4			NO G.W. ENCOUNTERED

TEST HOLE #4: EL=65.4±	DEPTH FROM SURFACE (INCHES)	SOIL HORIZON	SOIL TEXTURE (USDA)	SOIL COLOR (MUNSELL)	SOIL MOISTURE	OTHER
0-1.0	A	Fine Loamy Sand	LOVR 2/2			
1.0-4.0	B	Loamy Medium-Coarse Sand	LOVR 5/6			
4.0-15.2	C	Medium-Coarse Sand	LOVR 6/4			NO G.W. ENCOUNTERED

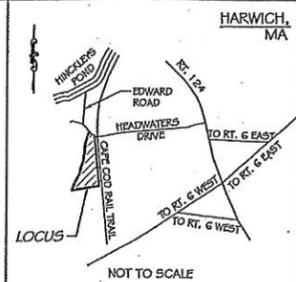
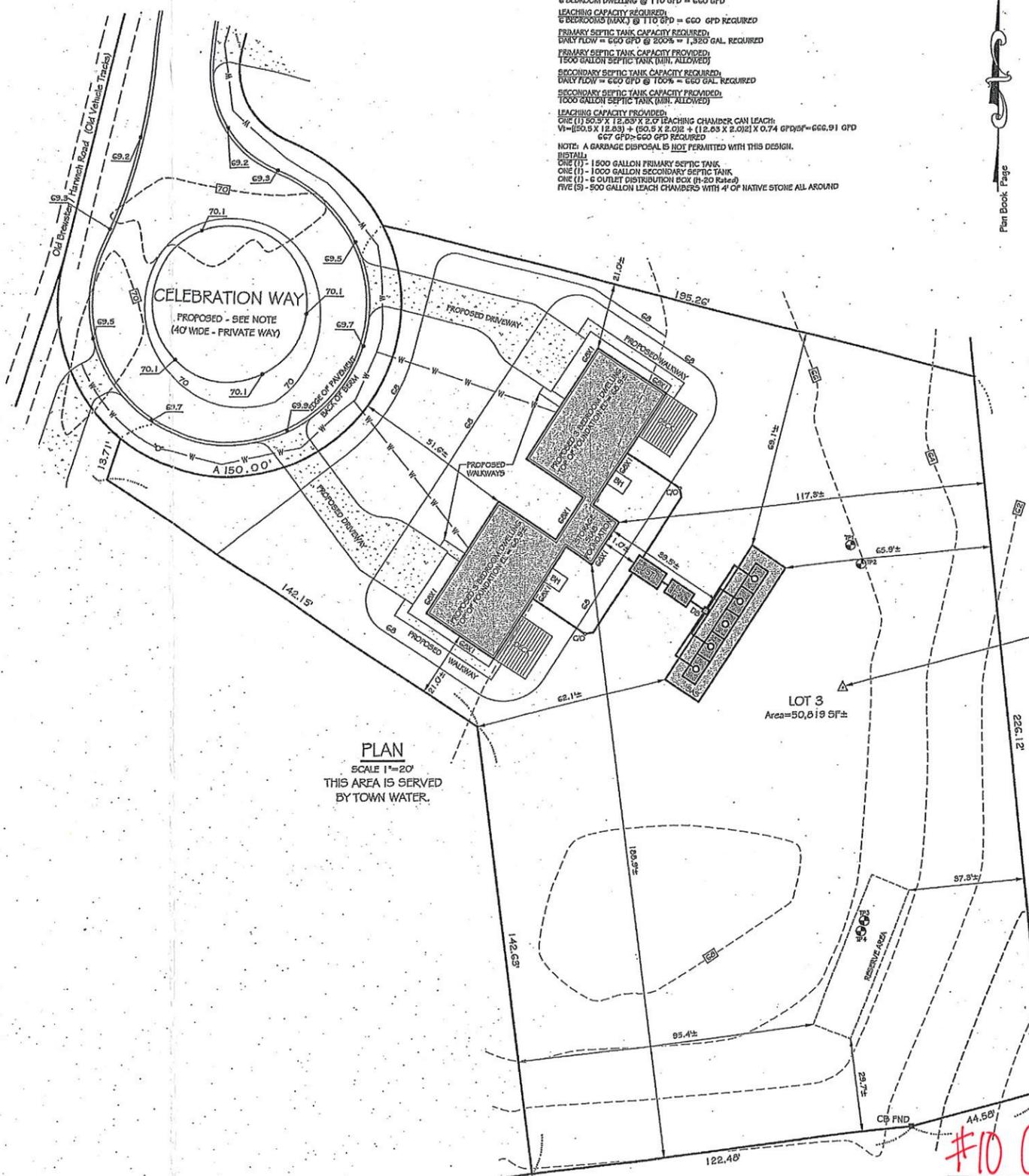
DATE OF TESTING: 1/11/19  
 PERCOLATION RATE: LESS THAN 2 MINIM IN 30" x 4" LAYERS.  
 WITNESSED BY: MATTHEW J. WROBLE, EIT, J.M. O'REILLY & ASSOCIATES, INC.  
 KATHLEEN TENAGLIA, AGENT, HARWICH HEALTH DEPARTMENT  
 NO WATER ENCOUNTERED  
 USE A LOADING RATE OF 0.74 GPD/SF FOR SIZING OF SOIL ABSORPTION SYSTEM.

**SAS DETAIL**  
SCALE: 1" = 10"



**SYSTEM DESIGN CALCULATIONS:**

SEWAGE DESIGN FLOW:  
 6 BEDROOM DWELLING @ 110 GPD = 660 GPD  
 LEACHING CAPACITY REQUIRED:  
 6 BEDROOMS (MAX.) @ 110 GPD = 660 GPD REQUIRED  
 PRIMARY SEPTIC TANK CAPACITY REQUIRED:  
 DAILY FLOW = 660 GPD @ 200% = 1,320 GAL. REQUIRED  
 PRIMARY SEPTIC TANK CAPACITY PROVIDED:  
 1500 GALLON SEPTIC TANK (MIN. ALLOWED)  
 SECONDARY SEPTIC TANK CAPACITY REQUIRED:  
 DAILY FLOW = 660 GPD @ 100% = 660 GAL. REQUIRED  
 SECONDARY SEPTIC TANK CAPACITY PROVIDED:  
 1000 GALLON SEPTIC TANK (MIN. ALLOWED)  
 LEACHING CAPACITY PROVIDED:  
 ONE (1) 50.5' x 12.63' x 2.0' LEACHING CHAMBER CAN LEACH:  
 V1 = [(50.5' x 12.63') x (50.5' x 2.02') + (12.63' x 2.02') x 0.74 GPD/SF] = 666.91 GPD  
 667 GPD > 660 GPD REQUIRED  
 NOTE: A GARBAGE DISPOSAL IS NOT PERMITTED WITH THIS DESIGN.  
 INSTALL:  
 ONE (1) - 1500 GALLON PRIMARY SEPTIC TANK  
 ONE (1) - 1000 GALLON SECONDARY SEPTIC TANK  
 ONE (1) - 6 OUTLET DISTRIBUTION BOX (H-20 Rated)  
 FIVE (5) - 500 GALLON LEACH CHAMBERS WITH 4" OF NATIVE STONE ALL AROUND



PLAN BOOK DEED BOOK 1132 ASSESSORS' MAP 81  
 PAGE 443 PARCEL C1-O

**LEGEND**

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT GRADE
- PROPOSED SPOT GRADE
- WATER SERVICE LINE
- OVERHEAD UTILITY SERVICE
- UNDERGROUND UTILITY SERVICE
- GAS SERVICE LINE
- TEST HOLE / BORING LOCATION
- SEPTIC TANK
- DISTRIBUTION BOX
- SOIL ABSORPTION SYSTEM
- RESERVED FOR FUTURE
- UTILITY POLE
- CATCH BASIN
- FIRE HYDRANT
- WELL
- DRAINAGE MANHOLE
- CONCRETE BOUND, FOUND
- TOP OF BANK
- LIMIT OF WORK
- FENCE
- EDGE OF CLEARING

**CELEBRATION WAY NOTE:**

PROPOSED ROAD PROFILE AND PLAN FOR CELEBRATION WAY ARE TAKEN FROM THE PLAN AND PROFILE PRIVATE WAY TO ACCORDANCE WITH SUBDIVISION PLAN LAD IN HARWICH, MA AS PREPARED FOR THE DAVENPORT COMPANIES' PREPARED BY RYDER & WILCOX, INC. DATED JULY 11, 2018. REVISED 10-7-2019.

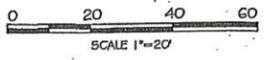
BENCHMARK: Top of Survey Stake EL=66.5± (Assumed datum)

**#10 Celebration**

**DAVENPORT COMPANIES, INC.**  
 20 NORTH MAIN STREET, YARMOUTH, MA 02664  
**SITE & SEWAGE DISPOSAL SYSTEM DESIGN**  
 LOT 3, 79 HEADWATER DRIVE, HARWICH, MA  
**J.M. O'REILLY & ASSOCIATES, INC.**  
 Professional Engineering & Land Surveying Services

DATE: 12/12/19	SCALE: As Noted	BY: MJW	CHECKED: JMO	JOB NUMBER: JMO-8748
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THE LAYOUT AND DIMENSIONS OF THE PROPOSED DWELLING HAS BEEN TAKEN FROM THE PLAN DATED 1/11/16, PREPARED BY DAVENPORT BUILDING COMPANY.



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

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**AGENDA ITEM II.F**

February 12, 2020

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

On January 14, 2020 the Planning Board voted unanimously to send the proposed zoning amendment relative to the removal of the term *Essential Services* to the Board of Selectmen to begin the public hearing process pursuant to MGL c.40A, §5. The proposed amendment was sent to the Board of Selectmen on January 15, 2020.

On January 21, 2020 Board of Selectmen voted to refer the proposed zoning amendment relative to the removal of the term *Essential Services* to the Planning Board. This was forwarded to the Planning Board on January 23, 2020.

The legal notice for this amendment was sent to the *Cape Cod Chronicle* on January 30, 2020 for publication in the February 6 and February 13, 2020 editions.

On February 5, 2020 the required notice and copies of the full text involved, was posted on the Planning Board's Town Webpage and copies were made available at the Town Clerk and Community Development Offices. A copy of said posting is attached. Additionally, the legal notice was posted with the Town Clerk.

On February 5, 2020, the abutting towns – Dennis, Brewster, Chatham and Orleans, the Cape Cod Commission and the MA Department of Housing and Community Development were notified via regular mail about the pending zoning amendment.

The public hearing for this zoning amendment is scheduled for Tuesday, February 25, 2020, not earlier than 6:30 pm.

The process for the hearing is as follows:

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

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

Harwich Planning Board Legal Notice – Proposed Zoning Amendment

In accordance with the provisions of MGL c.40A §5, the Harwich Planning Board will hold a public hearing on Tuesday, February 25, 2020 not earlier than 6:30 pm in the Donn B. Griffin Room, Harwich Town Hall, 732 Main Street, Harwich, to consider an amendment to the Harwich Zoning Codes:

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

Any person interested or wishing to be heard on this zoning proposal should appear at the time and place designated. The full text for the proposed amendments can be found on the Town Website <http://www.harwich-ma.gov/planning-board>, and in the Community Development and Town Clerk Offices at Town Hall, at the address noted above, during normal business hours.

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

Joseph P. McParland, Chair  
Cape Cod Chronicle 2/6/2020, 2/13/2020

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**Below are relative portions of the existing provisions of the Harwich Zoning Code to be amended relative to “Essential Services”**

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

**§ 325-2 Word usage and definitions.**

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

**ESSENTIAL SERVICES**

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

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

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

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

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**AGENDA ITEM III.A.2**

February 12, 2020

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Re: PB2015-12 – Partial Lot Release

Mark T. Smith is seeking the release of Lots 6 and 7 from the Planning Board covenant being held for Arthur's Way, aka "The Preserve". This subdivision is located off Route 139.

In April of 2018 the Planning Board voted to release Lots 2 and 3. At that time the Town Engineer determined that the remaining work to be completed total \$176,390 and with a 50% contingency the amount is \$220,488. Two additional Lots (4 & 5) were released in March 2019.

I have reviewed the request with the Town Engineer, Griffin Ryder, and we concur that the remaining two (2) Lots (1 & 8) still held under covenant are more than adequate protection of the remaining covenant.

Staff recommends the partial release of covenant for Lots 6 and 7 of the Arthur's Way subdivision, PB2015-12.

**Recommended Motion:**

Move approval of the partial release of covenant for Lots 6 and 7 of the Arthur's Way subdivision, PB2015-12.



**Agenda Item III.A.1**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 12, 2020  
Re: Waiver of Site Plan Request – Staff Report

**PB2020-07 Kristen Myer, Tr.,** Grey House Property Management Trust as owner, Atty. William Crowell, as representative, seeks approval of a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct a first floor addition, a 12' x 14' shed for commercial storage, new first floor access, steps and landing along with improvements to the second floor steps and landing. The property is located at 515 Route 28, Map 14, Parcel Q11-1 in the C-V and V-C overlay zoning districts.

The Planning Board will take this application up during the public meeting on Tuesday, February 25, 2020 not sooner than 6:30 P.M.

**Description**

The applicant seeks approval of a Waiver of Site Plan to construct a first floor addition, a 12' x 14' shed and make various changes to steps, landings and entrances. Per the narrative the addition will be for a bathroom and small amount of office space for the first floor commercial use. The Waiver of Site Plan application was filed with the Town Clerk on January 24, 2020, January 27, 2020 and January 28, 2020 and included the following:

1. Form A application, originally date stamped received January 24, 2020 with a corrected Form A date stamped received January 27, 2020.
2. A narrative dated stamped received January 27, 2020.
3. Parking calculation dated January 27, 2020 (date stamped received January 28, 2020) prepared by Moran Engineering Assoc., LLC.
4. Set of Plans for 515 Route 28, Harwich Port, Prepared for Kirsten Meyer by Moran Engineering Assoc., LLC; as follows:
  - a. Existing Conditions Plot Plan in Harwich, dated 08/15/19 and 1/22/19, scale 1" = 20'
  - b. Proposed Conditions Plot Plan, dated 10/31/19, 12/7/19 and 1/22/19
5. Set of Building Plans prepared by William Kwaak, for 515 Route 28, Harwichport, MA 02646, scale ¼" = 1'-0" as follows:
  - a. Sheet A2 showing Proposed First Floor Plan and Existing 2<sup>nd</sup> Floor Plan, dated January 27, 2020
  - b. Sheet EC1 showing Existing First Floor Plan and Existing 2<sup>nd</sup> Floor Plan, dated January 27, 2020
  - c. Sheet A2 showing Proposed First Floor Plan and Detail & Sections, dated January 23, 2020

### **Planning Board Jurisdiction**

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

### **Comments from other Boards, Departments, Committees**

**Health:** The septic system was installed in 2000 with a design flow of 462 gallons per day. The system passed inspection in 2018. The system has sufficient flow for the proposed use, and a Professional Engineer has already relocated the septic system reserve area to an acceptable new location. As the plan is proposed the Health Department has no concerns.

**Engineering:** The Town Engineering and the Town Planner reviewed the application and plan together. There were no concerns or issues.

**Conservation:** No concerns. Not in Conservation jurisdiction.

### **Planning Staff Comments**

1. This is a public meeting matter and not a public hearing.
2. As noted in the Engineering comments, we reviewed the application and plan together and there were no concerns or issues raised.

### **Board Votes**

#### **Vote to Continue**

Motion to continue **PB2020-07 Kristen Myer, Tr.**, to the following meeting date \_\_\_\_\_  
(*next meetings March 10, March 24, April 14*), no earlier than 6:30 pm in the Griffin Room, Harwich Town Hall for the following reasons: (*need to state reasons*)

#### **If the Board is ready to vote on the request:**

#### **Findings of Fact** (amend or change as necessary)

Motion to adopt the following:

1. The parcel is in the C-V zoning district and V-C Overlay District.
2. The application does not substantially change the relationship of the structure to the site and to abutting properties and structures.
3. The existing site is suitable for the proposed use.
4. There is a negligible increase in retail space.
5. The proposed office space will be utilized by the existing retail use.
6. The existing building is non-conforming and the new building will conform to setback requirements.

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

1. To **Approve** case PB2020-07 Kristen Myer, Tr., Grey House Property Management Trust as owner, for a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct a first floor addition, a 12' x 14' shed for commercial storage, new first floor access, steps and landing along with improvements to the second floor steps and landing for property located at 515 Route 28, Map 14, Parcel Q11-1 in the C-V and V-C overlay zoning districts. The decision is based on the aforementioned findings of facts and the fact that the proposal does not substantially change the relationship of the structure to the site or to abutting properties and structures and the application meets the necessary requirements and criteria for approval.
2. To **deny** case PB2020-07 Kristen Myer, Tr., Grey House Property Management Trust as owner, for a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct a first floor addition, a 12' x 14' shed for commercial storage, new first floor access, steps and landing along with improvements to the second floor steps and landing for property located at 515 Route 28, Map 14, Parcel Q11-1 in the C-V and V-C overlay zoning districts, based on the fact that the proposal does demonstrate substantial changes with the relationship of the structure to the site and to abutting properties and structures, and therefore requires a Site Plan Review Special Permit.

515 RTE 28 - PLAN. B0

The Petitioner seeks to construct an addition, shed, first floor access steps and landing and second floor access steps and landing as shown on the Proposed Conditions Plot Plan prepared by Moran Engineering Assoc., LLC dated October 31, 2019 and revised on December 7, 2019 and January 22, 2020 filed herewith. The addition will be for a bathroom and a small amount of office space for the first floor commercial use and the shed will be primarily for storage of inventory for the first floor commercial use. The proposed the first floor access steps and landing will be to provide access to the first floor commercial use and the second floor access steps and landing will be at the same location as the existing steps and concrete pad to provide access to the second floor.



# MORAN ENGINEERING ASSOC., LLC

941 Main Street, P.O. Box 183, South Harwich, MA 02661

Daniel P. Croteau, PE  
Richard Judd, RS  
Michael Ladue, PLS

(508) 432-2878  
FAX (508) 432-3501  
MoranEng@gmail.com

Harwich Planning Department & Board  
732 Main Street  
Harwich, Ma 02645

Ref: 515 Route 28  
Harwich Port, MA  
Applicant: Kirsten Meyer



## Existing Parking Calculation

Existing First Floor: 1033 SF dedicated to retail customer use. (see attached architectural plan)  
Existing Second Floor: 1 Bedroom Residential Unit

Per Harwich Zoning Bylaw 325-39

1033 SF / 150 SF/parking space = 7 parking spaces required  
1 residential unit = 1.5 parking spaces required  
Total required parking spaces per 325-39 = 7 + 1.5 = 8.5 spaces

Existing Parking Spaces provided = 8 spaces

## Proposed Parking Calculation

Proposed First Floor: 1046 SF dedicated to retail customer use. (see attached architectural plan)  
Existing and Proposed Second Floor: 1 Bedroom Residential Unit

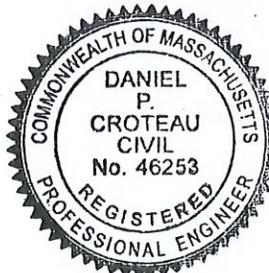
Per Harwich Zoning Bylaw 325-39

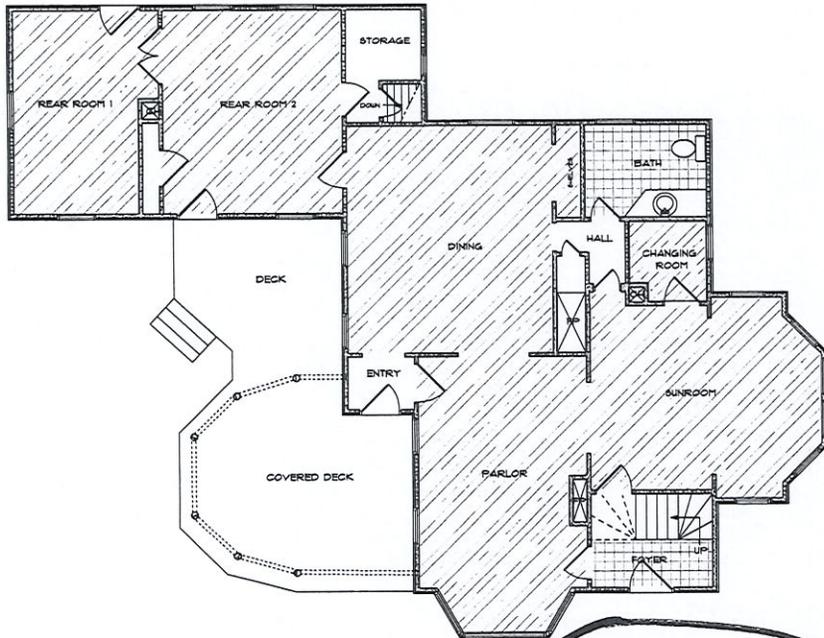
1046 SF / 150 SF/parking space = 7 parking spaces required  
1 residential unit = 1.5 parking spaces required  
Total required parking spaces per 325-39 = 7 + 1.5 = 8.5 spaces

Proposed Parking Spaces provided = 8 spaces

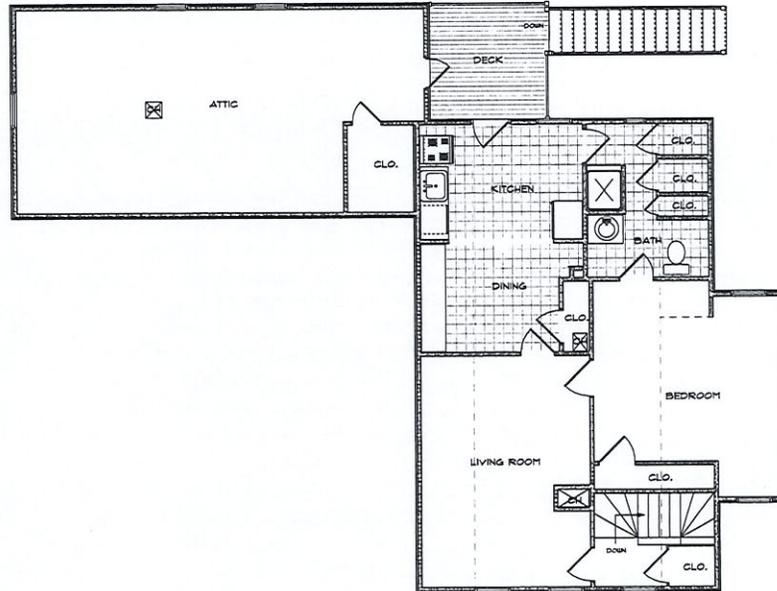
Sincerely,

Daniel Croteau, PE





EXISTING FIRST FLOOR PLAN  
 1/4" = 1'-0"  
 1251.8 S.F. TOTAL  
 1032.6 S.F. RETAIL ONLY



EXISTING 2ND FLOOR PLAN  
 SCALE: 1/4" = 1'-0"  
 124.9 S.F. TOTAL



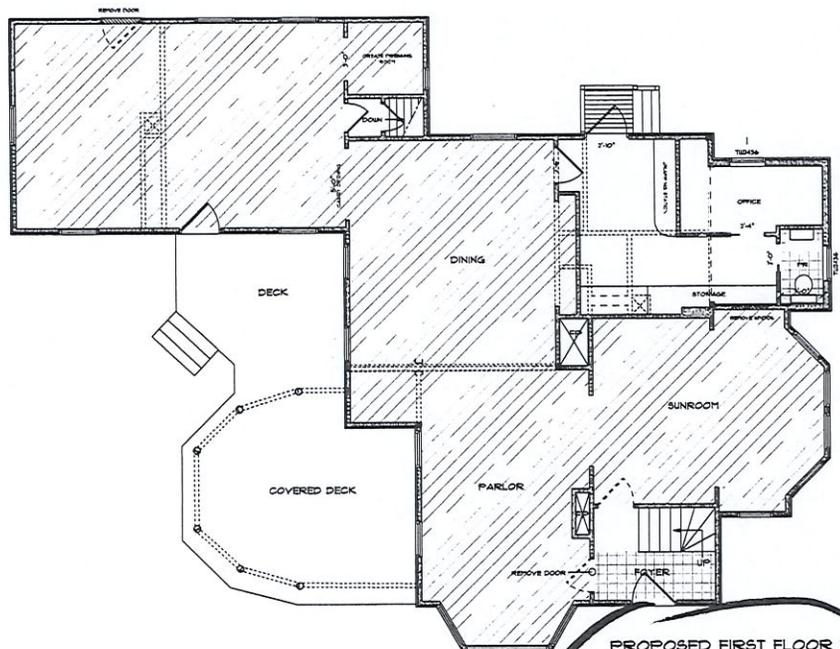
Eng. Stamp

SCALE: 1/4" = 1'  
 UNLESS OTHERWISE NOTED  
 DRAWN BY:  
 wkdesign  
 Monday, January 21, 2010

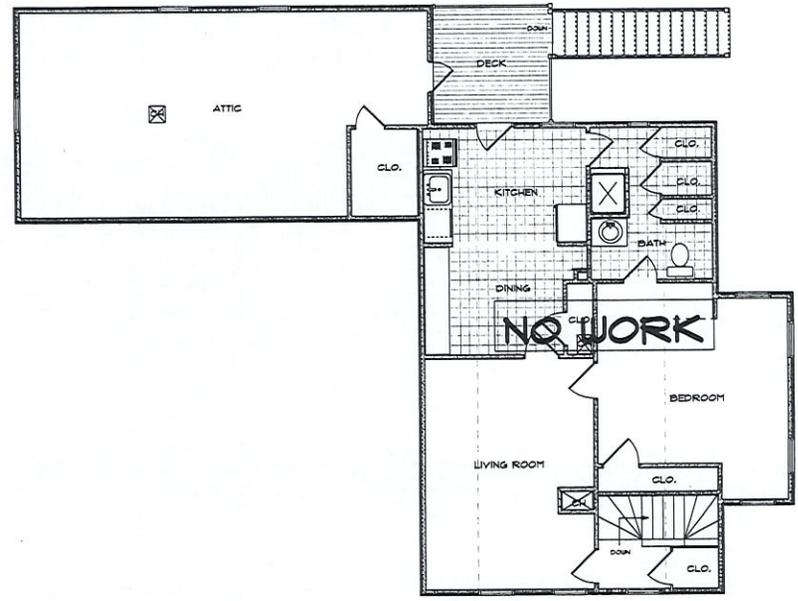
515 ROUTE 28  
 HARWICHPORT MA, 02646

APPROVED:  
 REVISION:  
 Monday, January 21, 2010





**PROPOSED FIRST FLOOR PLAN**  
 1/4" = 1'-0"  
 1365 S.F. TOTAL  
 1045.8 S.F. RETAIL ONLY



**EXISTING 2ND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 724.9 S.F. TOTAL

SCALE: 1/4" = 1'  
 DRAWN BY: wkdesign  
 Permit, January 21, 2020

515 ROUTE 28  
 HARWICHPORT MA, 02646

APPROVED:  
 REVISED:  
 Permit, January 21, 2020

A2

**LEGEND**

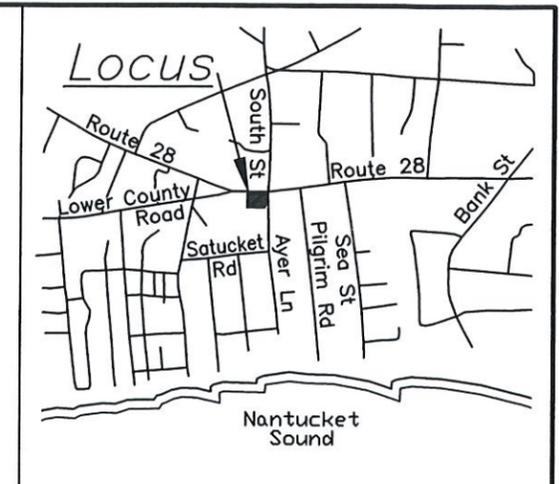
- Existing Building
- Proposed Addition
- Existing Driveway
- Existing Parking Spot
- Existing spot elevation 6.0
- Existing septic system
- Existing Fence

Existing Building Height Calc.

Avg. Pre-Existing Grade =  $22 + 21/2 = \text{El } 21.5$

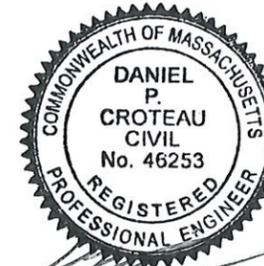
Roof Ridge = El 50.4

Existing Bldg. Height =  $\text{El } 50.4 - \text{El } 21.5 = \text{El } 28.9$



LOCATION MAP

Assessors' ID: 14-Q11-1  
 Deed: Book 26,623, Page 179  
 Plan: Book 181, Page 77,  
 Lot 2



NOTE:

- \* This property is located within the Village Commercial Overlay District
- \*\* This property is not located within a Special Flood Hazard Area.
- \*\*\* This property is not located within a Zone II, Drinking Water Protection District

Zoning Compliance

Zone: C-V	Zone C-V	Village Commercial Overlay District*	Existing	Proposed Shed
Min Front Setback	25'	per Review	36.2', 15.3'	58.7'
Min Side Setback	20'	10'	52.0', 9.6'	30.1'
Min Rear Setback	20'	20'	8.9'	20.5'
Building Coverage	(5,782 sf) 50% max		(1,659 sf) 14.4%	(1,920 sf) 16.6%
Site Coverage	(9,251 sf) 80% max	(9,251 sf) 80% max	(5,778 sf) 50%	(6,060 sf) 52.4%

\* Planning Board may waive or modify VCOD dimensional requirements.

**MORAN ENGINEERING ASSOC., LLC**

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

**PROPOSED CONDITIONS PLOT PLAN**

Prepared For: Kirsten Meyer

515 ROUTE 28

HARWICH PORT

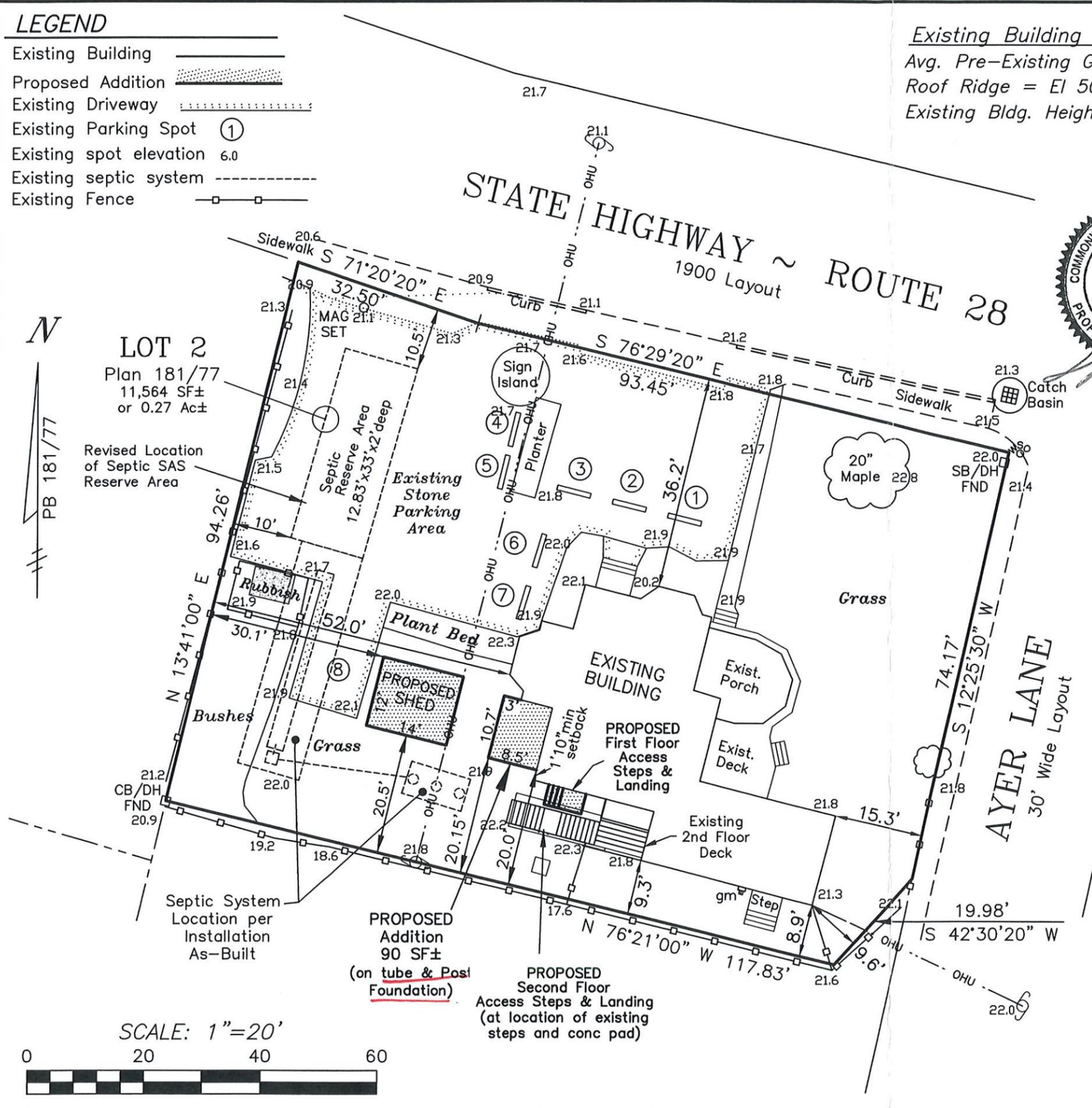
PROJECT: 19-163

DATE: 10/31/19

12/7/19, 1/22/19



SCALE: 1"=20'

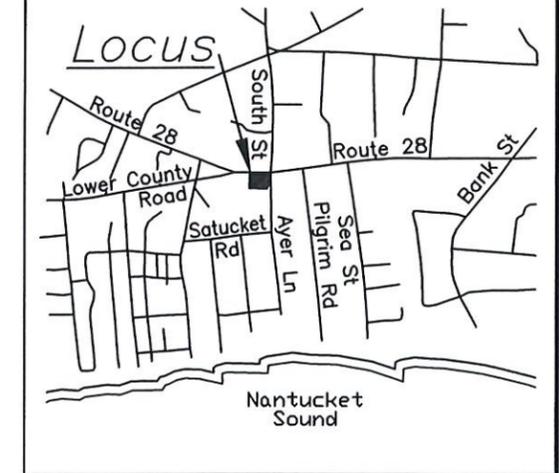


**LEGEND**

- Existing Building
- Existing Driveway
- Existing Parking Spot ①
- Existing spot elevation 6.0
- Existing septic system
- Existing Fence

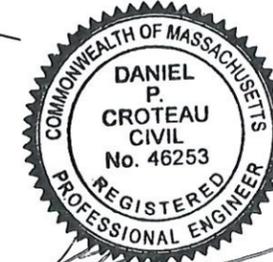
Building Height Calc.

Avg. Pre-Existing Grade =  $22 + 21/2 = EI 21.5$   
 Roof Ridge = EI 50.4  
 Existing Bldg. Height =  $EI 50.4 - EI 21.5 = EI 28.9$



LOCATION MAP

Assessors' ID: 14-Q11-1  
 Deed: Book 26,623, Page 179  
 Plan: Book 181, Page 77,  
 Lot 2



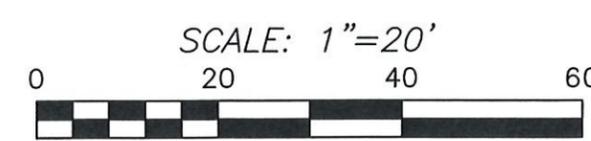
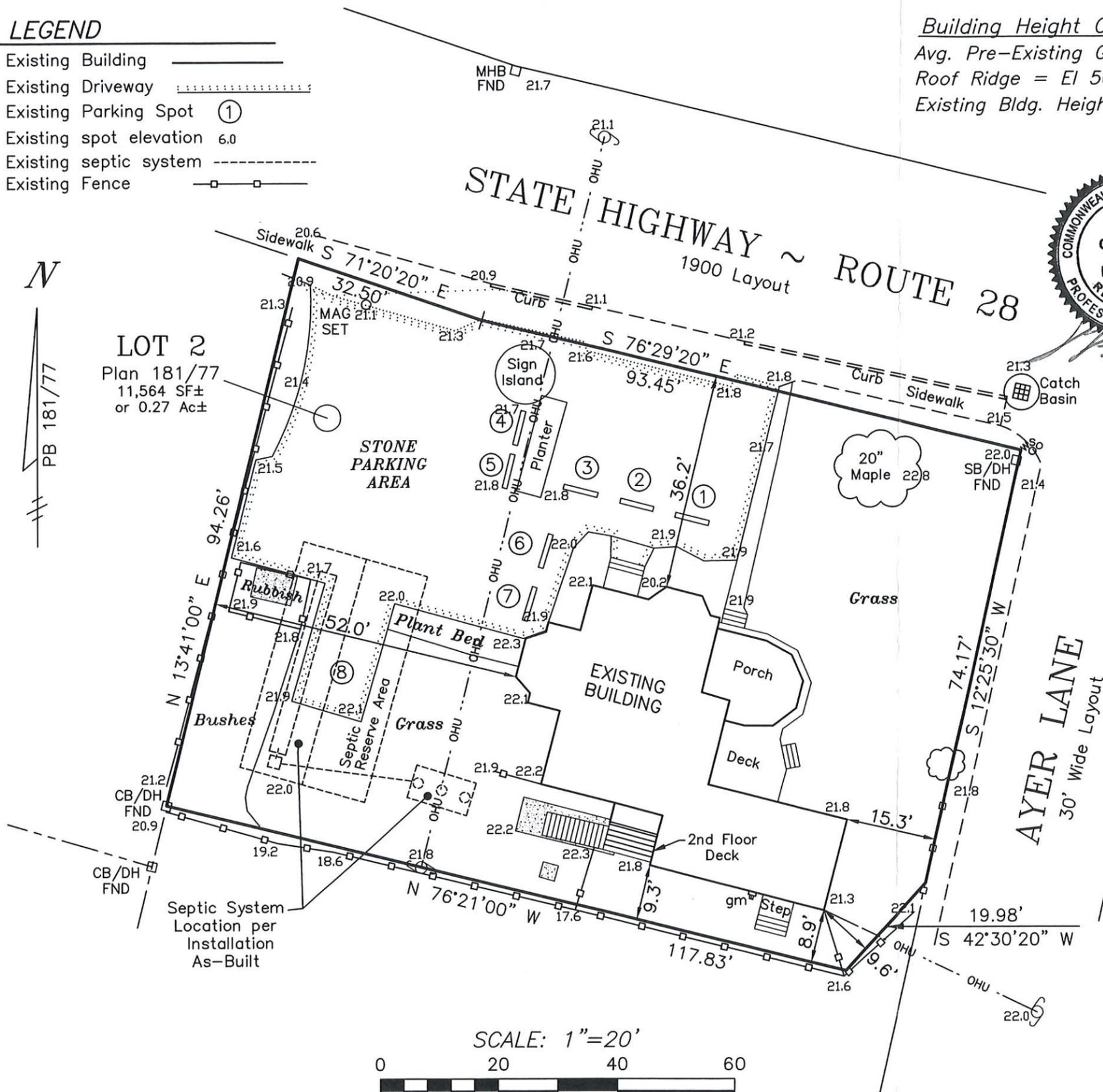
NOTE:

- \* This property is located within the Village Commercial Overlay District
- \*\* This property is not located within a Special Flood Hazard Area.
- \*\*\* This property is not located within a Zone II, Drinking Water Protection District

Zoning Compliance

Zone: C-V	Zone C-V	Village Commercial Overlay District*	Existing
Min Front Setback	25'	per Review	36.2', 15.3'
Min Side Setback	20'	10'	52.0', 9.6'
Min Rear Setback	20'	20'	8.9'
Building Coverage	(5,782 sf) 50% max		(1,659 sf) 14.4%
Site Coverage	(9,251 sf) 80% max	(9,251 sf) 80% max	(5,778 sf) 50%

\* Planning Board may waive or modify VCOD dimensional requirements.



**MORAN ENGINEERING ASSOC., LLC**  
 508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA  
**EXISTING CONDITIONS PLOT PLAN IN HARWICH**  
 Prepared For: Kirsten Meyer  
 515 ROUTE 28 HARWICH PORT  
 PROJECT: 19-163 DATE: 08/15/19

**HARWICH ZONING BOARD of APPEALS PUBLIC HEARING**  
**Wednesday, February 26, 2020 at 7:00 p.m.**  
**Griffin Meeting Room, Harwich Town Hall**  
**AGENDA**

On Wednesday, February 26, 2020 at 7:00 PM, the Harwich Zoning Board of Appeals will hold a Public Hearing in the Griffin Meeting Room at the Harwich Town Hall, 732 Main Street to hear the following cases. Any member of the public having interest in these applications is invited to attend and provide information and comment relevant to these matters or may submit the same in writing by noon on **Monday, February 24, 2020. Documents received after this time may be too late for submission to the Board.**

**Case #2020-04 (CONTINUED from 1.26.20)**

Kevin M. Blute and Lorraine M. Blute have applied for a Special Permit to build a 3-season porch onto a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2, Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **9 Idle Way**, Map 62, Parcel K33 in the RR Zoning District.

**Case #2020-06 (CONTINUED from 1.26.20)**

Ronald A. Emler and Diane D. Bouffard, Trustees of the Ronald A. Emler and Diane D. Bouffard Revocable Living Trust Agreement, through their agent, Attorney William Crowell, have applied for a Special Permit, or in the alternative, a Variance, to construct a porch onto a pre-existing non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2, Area Regulations as set forth in MGL Chapter 40A §6 and if necessary Chapter 40A §10. The property is located at **12 Park St**, Map 50, Parcel P1-3 in the RM Zoning District.

**Case #2020-07 (CONTINUED from 1.26.20)**

David C. Fogaren, and Lisa M. Fogaren, Trustees of the Fogaren Family Revocable Trust, through their agent, Attorney Jeffrey Ford, have applied for a Special Permit to demolish and replace a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2, Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **12 Hiawatha Road**, Map 6, Parcel F-3-5 in the RH-1 Zoning District.

**Case #2020-05 (CONTINUED from 1.26.20)**

David Radlo and Irene Radlo, through their agent, Jeffrey Hennemuth have applied for a Special Permit to replace an existing deck of a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2, Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **7 Ginger Plum Lane**, Map 5, Parcel G4-53 in the RH-1 Zoning District.

**Case #2020-02 (CONTINUED from 1.26.20)**

The Royal Apartments LLC, through its agent, Alex Burdin, has applied for a Variance, to convert the use of the property from a nursing home/assisted living use to multi-family dwelling residential use. The application is pursuant to the Code of the Town of Harwich, §325-52 and Table 1, Use Regulations as set forth in MGL Chapter 40A §10. The property is located at **328 Bank Street**, Map 41, Parcel N4 in the MRL Zoning District.

**Case #2020-03 (CONTINUED from 1.26.20)**

Andrew Hall, Successor Trustee of the Emulous Hall Realty Trust through his agent, Attorney Andrew L. Singer, has applied for a Variance, to redevelop a previously disturbed and commercially-used portion of property located in 2 zoning districts in connection with a seasonal, miniature golf course. The application is pursuant to the Code of the Town of Harwich, §325-52 and Table 1, Use Regulations as set forth in MGL Chapter 40A §10. The property is located at **346 Route 28 and 0 Sisson Road**, Map 21, Parcels N2-0 and N1-0 in the CH-1 and RM Zoning Districts.

**Case #2020-08**

Paul R. Donovan and Laura J. Donovan, through their agent, Rick Roy of Rick Roy Construction, have applied for a Special Permit to create an addition onto a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54, §325 Table 2, Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **16 Kent Road**, Map 44, Parcel A1-24 in the RR Zoning District.

**Case #2020-09**

Timothy P. Gerspacher and Stephanie J. Gerspacher, through their agent, Attorney Howard Cahoon, have applied for a Special Permit to add a screened porch onto a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54, §325 Table 2, Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **6 Silver Street** Map 10, Parcel P4 in the RH-1 Zoning District.

**Case #2020-10**

Jonathan P. Chorey and Susan G. Chorey, Trustees et al, through their agent, Peter Barnard of Cape Coastal Builders have applied for a Special Permit to demolish and replace a pre-existing, non-conforming garage. The application is pursuant to the Code of the Town of Harwich, §325-Table 2 - Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **153 Gorham Road**, Map 24, Parcel R2 in the RR Zoning District.

In other business, the Board will address the following:

- \* Approval of minutes from the January 26, 2020 meeting.
- \* New Business per the Board's discretion.

Documents related to the above cases are on file with the Building Department and the Office of the Town Clerk located at 732 Main Street, Harwich.

*In accordance with State Law, this legal notice will also be available electronically at [www.masspublicnotices.org](http://www.masspublicnotices.org). The Town is not responsible for any errors in the electronic posting of this notice.*

*Per the Attorney General's Office: The Board may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business." If you are deaf or hard of hearing or a person with a disability who requires an accommodation, contact the Selectmen's Office at 508-430-7513*

*This Agenda may change at the discretion of the Board.*

*Recording & Taping Notification: As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the chair.*  
Authorized Posting Officer: Shelagh Delaney, [sdelaney@town.harwich.ma.us](mailto:sdelaney@town.harwich.ma.us)  
Board of Appeals Recording Clerk

The Cape Cod Chronicle **Print dates: February 6<sup>th</sup> and 13<sup>th</sup>, 2020.**

**HARWICH PLANNING BOARD  
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM  
TUESDAY, JANUARY 28, 2020 – 6:30 PM  
MEETING MINUTES**

**BOARD MEMBERS PRESENT:** Chairman Joseph McParland; Mary Maslowski; William Stoltz; Craig Chadwick; and Arthur Rouse. David Harris was present via remote participation. Vice-Chairman Alan Peterson arrived at 6:33 PM.

**BOARD MEMBERS ABSENT:** Duncan Berry.

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Cyndi Williams; Kyle Douglas; Alex Bardin; Ben Zehnder; Dave Michniewicz; Matt Nelson; David Reed; Andrew Singer; Bill Crowell; Art Boden; Bruce Young; Bradley Parsons; Liz Argo; Joe Della Morte, Carla Burke; Brendan Lowney; Judith Underwood; Steve Casbarro; Ginny Hewitt; Bob Nickerson; Alan Wirsul; Greg Winston; Bob Reed; Richard Waystack; Bonnie Hall; and others.

**CALL TO ORDER** - 6:30 PM by Mr. McParland with a quorum present.

Chairman McParland announced the Recording & Taping Notification: As required by law, the Town may audio or video record the meeting. Any person intending to either audio or video record this open session is required to inform the chair.

**PB2019-49 Kyle Douglas, Use Special Permit for Alternative Access, 334 Oak Street**

***Representative:*** Kyle Douglas

Chairman McParland opened the hearing at 6:31 PM by reading the legal notice into the record. Owner seeks approval of a Use Special Permit for Alternative Access pursuant to the Code of the Town Harwich §325-18.P and -51. The proposal seeks access via a private driveway easement over 344 Oak St (Lot 2 shown on Plan Book 591 Page 64). The property is located at 334 Oak Street, Map 82, Parcel T1-3, in the R-L and Six Ponds Zoning Districts.

Kyle Douglas explained his request to have alternative access for his driveway at 334 Oak Street. Mrs. Greenhalgh read departmental comments and the Planner's report. Fire: No concerns, Police: No concerns, Highway: No concerns, Engineering: No concerns, Conservation: Received Conservation approval 10/23/2019, RDA 2019-19. Planning Staff Comments: 1) The reasons and explanations provided for this request are valid and a shared driveway does appear to be superior to access from the lot frontage. 2) Standard conditions are recommended.

There were no comments or questions by Board members or the public. Ms. Maslowski made the motion to close the public hearing at 6:33 PM, seconded by Mr. Chadwick, so voted (6-0-1) via roll call vote. Mr. Peterson abstained.

Following a duly made motion by Ms. Maslowski, seconded by Mr. Stoltz the Planning Board voted via roll call as follows: McParland – Yes; Maslowski – Yes; Peterson – Abstain; Stoltz – Yes, Chadwick – Yes; Rouse – Yes; to adopted the following findings:

1. The alternative access proposed is necessary to lessen any impact the wetlands in the area and therefore it creates a superior access way.

2. The use is consistent with the Zoning Code and will not adversely affect the neighborhood.
3. The specific site is an appropriate location for such a shared driveway.
4. There will be no nuisance or serious hazard to vehicles or pedestrians.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick the Board voted via roll call as follows: McParland – Yes; Maslowski – Yes; Peterson – Abstain; Stoltz – Yes, Chadwick – Yes; Rouse – Yes; to approve with conditions Use Special Permit for Alternative Access pursuant to the Code of the Town Harwich §325-18.P and -51. The proposal seeks access via a private driveway easement over 344 Oak St (Lot 2 shown on Plan Book 591 Page 64). The property is located at 334 Oak Street, Map 82, Parcel T1-3, in the R-L and Six Ponds Zoning Districts; 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 special permit decision shall be recorded at the Registry of Deeds.
2. Any changes to the site plan shall be subject to further Planning Board review.

**PB2019-45 Royal Apartments LLC, Multi-Family Use Special Permit and Site Plan Review Special Permit, 328 Bank Street**

***Representative:*** Ben Zehnder, David Michniewicz, Alex Bardin and Matt Nelson.

Chairman McParland re-opened the hearing at 6:38 PM. Applicants seek approval of a Multi-Family Use Special Permits in the Harwich Center Overlay District and a Site Plan Review Special Permit for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.D and -51.O and 325- 55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L, Harwich Center Overlay and Historic Districts. Hearing continued from January 14, 2020.

Attorney Zehnder explained the proposal of a Multi-Family dwelling. He explained that they also have to go in front of the Zoning Board of Appeals, which is scheduled for tomorrow evening. Mr. Michniewicz then reviewed the existing site plan, as well as the proposed site plan and the improvements. Mr. Zehnder also reviewed additional improvements the project will be bringing to the site. They are seeking Site Plan Review Special Permit and a Special Permit for Multi-Family for the two existing buildings on the site. The property had previously be used as an Assisted Living Facility and the new owner seek approval for 26 apartments. Additional parking and an accessible front entrance will be added. It was explained that the property has 424.3'of frontage along Parallel Street and Bank Street and is improved with two existing buildings, a 15,239 sq. ft. structure originally built in 1900 and later increased to its current size, and a 1,118 sq. ft. structure built in 1985. It is currently used as the location of an assisted living facility and a senior day care facility, which are allowed uses by special permit in the district under Bylaws §325. The applicant proposes converting the use of the property from the current assisted living use to multifamily dwelling residential use. This use is allowable in the MR-L district by special permit under the Table of Use Regulations, however, a variance from the Bylaw lot area and density requirements (minimum 10 contiguous acres lot area; maximum density of 8 bedrooms per acre is required, pursuant to Bylaw §325-52 and General Laws, c. 40A, §10. In addition, the applicant has applied for Site Plan Approval pursuant to Bylaw § 325-55, as required by subsection C2. The property is otherwise conforming in the Harwich Center Overlay District, having more than the required minimum 15,000 sq. ft. of lot area, 10' side and rear setback

distances, 5' side and rear setback distances, 150' frontage, and less than the maximum building coverage and maximum site coverage. The applicant wishes to convert the existing use to the proposed multifamily use. Specifically, Royal Apartments proposes no exterior changes to the building and minimal reconfiguration of the existing structure inside the property. The applicant will do exterior maintenance and painting to the structure and will reconfigure the parking areas to make 41 parking spaces to accommodate the 26 new apartments. These will be a mix of studio and bedrooms 1-bedroom and 2-bedroom apartments in the two existing buildings, for a total of 33 bedrooms.

Mrs. Greenhalgh provided departmental comments. Health: The Health Department requires that a passing Title 5 inspection be submitted prior to any building permit approval. Fire Chief: No concerns, but he does fully endorse this project. Police & Highway: No concerns. Conservation: As proposed all work is outside the 100' buffer zone. Erosion control shall be installed on the 100' line to ensure work stays out of conservation jurisdiction. Permits required if work will enter conservation jurisdiction. Engineering: The Town Engineer reviewed the plans with the Town Planner. 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 December 23, 2019. At that time comments were sent to the applicant. We reviewed the revised plans on January 9, 2020. Many of the items raised were addressed with the revised plans. 2) To clarify, Sheet SP-3 should be titled "Lighting Plan". 3) The Town Engineer did meet with the Applicant's Engineer for the purposes of review the stormwater management on the site. 4) In addition to the sections of the zoning code already referenced the following subparagraphs (I – L) pursuant to §325-18 – Additional Regulations. 5) This property was been used as an Assisted Living Facility for a number of years. The number of total bedrooms within the structures is not increasing and other than the additional parking being added and the accessible entrance, the exterior of the buildings is not changing. 6) Relief from the Zoning Board of Appeals will be needed for the land area. 7) Reasonable conditions are recommended including: A) Erosion control shall be installed and maintained 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. 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 relief from the Harwich Zoning Board of Appeals shall be required. F) Appropriate approvals from the Historic District & Historical Commission shall be required. G) All drainage and storm water requirements, local, state and federal, shall be met and approved by the Harwich Town Engineer prior to the commencement of construction operations. H) This decision shall be recorded at the Barnstable Registry of Deeds. I) 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.

Mr. Stoltz asked if a dumpster will be on the property. Mr. Michniewicz pointed to where it is located on the site plan, just off Parallel Street down a small driveway. He also asked if there are any plans to connect the side walk to Bank Street. Mr. Michniewicz said there were no plans at this current time.

A lengthy discussion ensued, and Board members asked many questions, all which were answered by the applicants.

Bruce Young, Fire Inspector, voiced a few concerns on the dumpster location, for fear of dumpster fire, as well as concerns for the neighbors for trucks backing up onto Parallel Street. He also questioned if there was a shed, or any areas for storage. It was answered that there will be storage available in the basements. Mr. Young stated there is nothing specifically in the code that states they have to move the dumpster, it is merely a suggestion. The applicants said that they would revise the plan with a new dumpster location.

Attorney David Reed, representing 109 Parallel Street, stated they have many concerns. He started with the site plan zoning compliance chart. It appears to show that the project is in substantial compliance, but the overlay district setbacks only come into play if you chose to approve the special permit. It still must adhere to the MRL zone. The board should also understand that there are substantial existing non-conformities that will remain. He has also not seen the landscape plan, which requirements must be met. The special permits for the use is also a problem. The prior use, and the proposed use, are not the same. The prior use was for elderly who were not commuting, and to substitute 33 multi-family bedrooms is a world of difference. It is not the same magnitude or type of use. The other small building, 111 Parallel Street, has never been used as a residence before. Traffic is also an issue. When approving, it is a requirement that the use will not adversely affect the neighborhood, and the site is appropriate for the use. Any multi-family use requires a minimum of 10 acres, and any multifamily use cannot have a greater density than 8 bedrooms per acre. The site is less than 20% of the requirement. He asked that the Board not approve this proposal.

Carla Burke, 200 Bank Street, has some concerns on the congestion and traffic in the area. She works at the library, and crosses Parallel Street to get there. She noticed in the staff report section that it listed “no nuisance or serious hazard to vehicles or pedestrians”. It is her understanding that this was not studied by the traffic safety committee in town. She thinks traffic needs to be considered.

Art Bodin, Harwich Housing Committee Chairman, 800 Orleans Road, believes that this is a great project. There are many comments on traffic, rightfully so, but he hasn't heard anything about people. What do we do for people? We need more apartments. Not only in Harwich but the whole Cape, and all of Massachusetts. We need places for people to live. Not only affordable housing, but market rate housing. We're trying to revive Harwich center, and what a better way than to bring people to the center. This is a great opportunity. The developer sounds like they are willing to work with everyone. Think of the people we are servicing.

Judith Underwood, 220 Sisson Road, also a trustee of the Affordable Harwich Trust, Water Commissioner, and with the Housing Authority, wants to echo what Art said. We need more housing stock. This gives young professionals a place to live on Cape Cod. This is huge. She understands that young people want to live and work on Cape Cod, but there is no were to live. This is a good project, and a good location. Traffic is bad 3 months out of the year anyway. This makes Harwich more walkable. This is a great opportunity to make it vibrant again. Please support this project.

Ginny Hewitt, Library Director, said when she first heard of this project, the density surprised her. As she looked into the project, she believes it meets all the zoning requirements. She wishes there were a few less units, but she thinks it certainly meets all requirements. Parking originally concerned her, but after library hours, it wouldn't be a problem if people parked there. She is also on the Harwich Initiative Committee. She fully supports this proposal. Rental housing is a priority in the Towns housing plan. There is a huge need for housing. This is a historic building, and the inn was moved to that site in 1913, and has never been a single family home. Seems like a consistence use, a similar purpose. This is a welcomed addition to revitalize the center.

Alan Wirsul, 2 Englewood Drive, abutter to this property, stated he is totally against this for the same reasons as Attorney David Reed. This project will set a precedent across not only Harwich, but Cape Cod for properties developed on a postage stamp. Most of this property is made of wetlands. There is not enough parking, not have they addressed the issue of children. This is very different than a nursing home. If those apartments were condos, then you would have more tax revues for the people of Harwich. This Township has been wonderful, but this would change the whole dynamic of this place. Other applicants will come to develop properties that are not large enough to accommodate the proposal. The Planning Board needs to take this very seriously. The density will nearly double, children playing on Parallel and Bank Street with no fences. Once this is signed over, the Town has no jurisdiction. Tenants' have all the rights, they will lose total control over this property. How can the Planning and Zoning Board approve a project like this?

Greg Winston, abutter and owner of the Winstead Inn and Beach Resort, as well as former owner of 328 Bank Street. He purchased the property from Snow Inn in 1981, where he opened the Winstead retirement center. He added a wing, and had 32 guests. At that time they couldn't have kitchens because of the density, so no food preparation was done other than what could be done at a wet bar. There were 32 people with only 2 kitchens. How can these people have 33 apartments, with all the kitchens? It is too much density. His attorney has already referred to the size of the lot for what is being proposed. This is a for profit operation. Not something to make the town look pretty. Not enough parking, not enough green space, this is just a very bad idea. He is totally against it. He also spent time on the Harwich historic commission. Bob Doane and he adopted the first guidelines. He worked with the planning board to design the overlay district. He is the Chairman of the Mid Cape Church Homes, the largest provider of homes, Pine Oaks 1-3 and is developing Pine Oaks 4. They already looked at the property as a possible stop gap for Pine Oaks 4. They investigated to see if this would work for elderly in a smaller number, they were advised that this property does not have enough land. They are providing quality housing with its own infrastructure. People will be packed in like sardines at this project. There is no room for a lawnmower, or children's toys.

Brendan Lowney, 25 Pleasant Lake Ave, is on the Historic Commission and Affordable Housing Trust. Cape Cod Commission information states that single family homes makes up 52% of housing in Massachusetts, 80% of Cape Cod, and 88% of Harwich. There is a need for multifamily housing. He asked that the Board consider this proposal. He is in favor of all housing, and he will leave it to the Board to decide the density factor of this property.

David Plunkett, Winstead Inn, abutter on two sides. The parking diagram does not have the required green space. How can the Board approve this without seeing the green space? 39 spaces with 33 bedrooms is inadequate. There will be no guest spaces. This is too dense.

Carla Burke doesn't have a problem with housing, it's the density. She spoke to the Town Planner about the nuisance, and she mentioned the applicant had to demonstrate how they will do that. She felt like she didn't get an answer when she spoke earlier.

Mr. Bardin asked how you prove a negative. It's very difficult. There is already septic capacity, residence staff, deliveries, visitors, lodging come in at a nightly basis, and it's a different use. Apartments live on a consistent schedule. They don't believe that number of spaces are going to significantly impact traffic. No significant change in the property. There are many perspectives of the project. The immediate neighborhood have concerns on density and traffic, and the community general has a concern on housing. If this is approved, 26 units of people will live in this Town. This will increase the tax base of the Town. This is not a nuisance to have housing. As a board you are not here to protect the neighbors, but the committee. The abutters have the right of appeal. Based on 8 per acre, they could put in 45 bedrooms, 40B is always an option, and density limitations come off the table. These will be well built and maintained. Mid Cape Church homes does great work. This type of work compliments that type of housing, they complement each other.

A lengthy discussion ensued.

Ms. Burke asked that the traffic safety committee take a look at this proposal. Mrs. Greenhalgh stated that they do not meet regularly. It could be difficult to have them look at it.

Mr. Zehnder wished to continue to February 11, 2020. Ms. Maslowski made the motion to continue the public hearing to February 11, 2020 no earlier than 6:30 PM, seconded by Vice-Chairman Peterson, unanimously so voted via roll call.

Recesses was taken at 8:02 PM. Recesses ended at 8:06 PM.

**PB2019-46 Greenskies Renewable Energy, Site Plan Review Special Permit, 183 Oak Street**  
***Representative:*** Bradley Parsons and Liz Argo

Chairman McParland re-opened the hearing at 8:06 PM. Applicants seeks 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 Cranberry Valley Golf Course, owned by the Town of Harwich. The proposal consists of both a ground-mounted array and a rooftop array on the cart barn building. The property is located at 183 Oak Street, Map 61, Parcel H1 in the R-R and W-R zoning districts. Hearing continued from January 14, 2020.

Mr. Parsons explained the proposal for the ground mounted solar array Cranberry Valley Golf Course. Mr. Parsons reviewed all of the waiver requests. He also reviewed the existing conditions plan, as well as the proposed plan. The applicant won a bid solicitation and was awarded the project for Photovoltaic Arrays (PV) through Cape & Vineyard Electrical Company, Inc. (CVEC) on behalf of the Town of Harwich. 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 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.

Mrs. Greenhalgh provided the department comments: Health, Golf, Fire and Police: No concerns. Conservation: The applicants filed for an Administrative Review for work in the 100' buffer zone to pond and it was approved 12/12/19. Permit is good for 1 year. Building: Building Permit Required. Engineering is included in Planning Staff Comments; 1. The Town Engineer and Town Planner reviewed this application on December 19th, with comments sent to the application on December 23rd. All comments and questions raised at that time have been addressed. 2. As previously noted, Town Staff recommended that the applicant utilize the requirements of Chapter 325, Article XXIII Large-Scale Ground-Mounted Photovoltaic Array for their submittal. This section of the bylaw lends itself much more closely with the needs and review demanded by this type of development. 3. At the May 2019 Annual Town Meeting, the Town voted to approve Article 33: ARTICLE 33: To see if the Town will authorize the Board of Selectmen to enter into long term leases, licenses, agreements, or other contractual agreements on behalf of the Town, subject to such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town, for all or part of any of the following Town owned properties including: Cranberry Valley Golf Course (grounds and cart barn), for the purposes of developing, sponsoring, administering, installing, operating, and maintaining solar photovoltaic energy systems and supplying solar energy, and further to authorize the Board of Selectmen and Town Administrator to take such actions as may be necessary under Massachusetts law to effectuate said agreements; and to act fully thereon. 4. The site went through a full site plan review in 2018 and at that time solar was anticipated on the roof of the cart barn. 5. The requested waivers are appropriate. 6. Standard conditions are recommended.

Board members asked several questions, all which were answered by the applicants. A lengthy discussion ensued.

Steve Casbarro, 48 Hillcrest Drive, asked if there will be any expansion of this site in the future? It was responded no.

Ms. Maslowski made the motion to close the public hearing at 8:41 PM, seconded by Mr. Chadwick, unanimously so voted.

On a motion by Ms. Maslowski and seconded by Mr. Chadwick, the Planning Board voted unanimously by way of a roll call vote (7-0-0) to approve the following waivers based on the facts presented by the applicant:

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.
4. Waiver from §325-140B (3)(g) with respect to the required description of financial surety, which will become a condition of approval to satisfy the requirements of §325-148.

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

1. The parcel is located within the RR zoning district and is within the boundaries of the Cranberry Valley Golf Course.
2. The nearest home is over 1,000 feet away and would not be affected by the proposal.
3. The 2019 Annual Town Meeting approved the use of the land and the cart barn for this purpose.
4. This area of the golf course went through a full site plan review in 2018, which anticipated solar on the roof of the cart barn.

On a motion by Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously by way of a roll call vote (7-0-0) to approve with conditions and waivers case number PB2019-46 Greenskies Renewable Energy 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 Cranberry Valley Golf Course consisting of both a ground-mounted array and a rooftop array on the cart barn building for property located at 183 Oak Street, Map 61, Parcel H1 in the R-R and W-R zoning districts. 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. Prior to the issuance of a Building Permit, the applicant shall submit to the Planning Board for review and approval the necessary documentation to satisfy the requirements of §325-148 Financial Surety.
2. This decision shall be recorded at the Barnstable Registry of Deeds.
3. 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.

**PB2019-27 Wychmere Harbor Real Estate LLC, Site Plan Review Special Permit, 23 Snow Inn Road**

***Representative:*** Andrew Singer, David Michniewicz, Mike Sharlet, Bill Ganshirt, George Gakidis, and David Hawk

Chairman McParland re-opened the hearing at 8:45 PM. Applicant seeks to amend a Site Plan Review Special Permit granted in Case PB2010-26 by making improvements to the existing beach club; including replacing the existing restaurant/pool equipment building, two swimming pools, the pool decking and other site improvements with a new restaurant building, a small restroom and retail building, a pavilion expansion, two smaller swimming pools and a new concrete pool deck, and various beach amenities. The applicant is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), §325-51 (structure greater than 7500 s.f.) and Chapter 400. The property is located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12. Hearing continued from January 14, 2020.

Mr. Singer reviewed the entire proposal and provided the following: The Wychmere Beach Resort located at 23 Snow Inn Road in Harwichport is a multi-use function and resort development. The Applicant/Owner, Wychmere Harbor Real Estate, LLC, is seeking to amend the Site Plan Review Special Permit granted in Case No. PB2010-26 in order to make further

improvements to the beach club facilities at the southern end of the Property as shown on the submitted plans. Specifically, the Applicant is proposing to replace the existing restaurant/pool equipment building, two swimming pools, the concrete pool deck, and some of the wooden decks and other existing site improvements at the swimming pool area as well as to relocate the existing Coastal Pavilion restaurant facilities, all with a new restaurant building, a relocated Coastal Pavilion with attached addition containing restrooms and a small retail space, two smaller swimming pools, new pool reception kiosk, and a new concrete pool deck with integrated open and planting areas. The Beach Club is located completely within the R-H-3 Zoning District. The proposal has been designed to aesthetically complement the overall Harbor Club and Beach Club property. There will be no change in parking demand on the Property as part of the proposal. There will be no change of use on the Property. All parts of the proposal will conform to yard setbacks. Building coverage will remain conforming. There will be a decrease in the pre-existing nonconforming impervious site coverage as well as amenities coverage. Property The Property, which contains 15.0± acres of land and is shown as Parcel P-2 on Harwich Assessors Map 8, is bounded on the south by Nantucket Sound, on the east by the entrance to Wychmere Harbor, on the west by Snow Inn Road and Town-owned beach property, and on the north by residential properties. 2 The Property is improved with: A. The Beach Resort facilities, including the: 1. Wychmere Harbor Club Building (two-story restaurant and function facility); 2. Wychmere Beach Club (including restaurants, pool bar, swimming pools, and associated amenities); 3. Snow Inn Building (26-guest room hotel plus offices); 4. Channel House Building (6-guest room hotel plus fitness club); and 5. Outside function lawns and decks; B. Eleven (11) residential condominium units in three buildings; and C. Associated parking, wastewater treatment, and amenities. Coverages and Parking. The uses at the Property have previously been determined by the Town during numerous regulatory reviews to be pre-existing nonconforming because they were commenced decades ago and predate current zoning regulations. The site coverage and amenities coverage of the Property (parking areas, pools, spas, basketball court and similar impervious amenities and facilities) are also pre-existing nonconforming. With the creation of the new circular drive entrance to the beach club, there will be a reduction of fifteen (15) grass parking spaces from the existing 252 spaces. Shared parking will continue for the non-residential uses, including the previously-established parking management plan which also incorporates off-site parking and shuttle van service during the summer season (see below). The residential condominiums have separate, dedicated parking. Occupancy. There will be no change in the currently-permitted occupancy of the Property. Current occupancy on the Property is as follows: 650 maximum restaurant seats spread throughout the site, 26 hotel bedrooms plus office space in the Snow Inn Building, six (6) hotel bedrooms in the Channel House Building, and 43 bedrooms in the 11 residential condominium units. As previously reviewed and approved the Planning Board, the on-site restaurant seats are shared between the various venues on site with the maximum number of authorized restaurant seats in use not being exceeded at any given time. Prior Regulatory Approvals Over the years, there have been numerous regulatory reviews and approvals granted for various redevelopments of different portions of the pre-existing nonconforming Property. The Board of Appeals, Planning Board, and Conservation Commission have each issued several decisions concerning the Property. The Beach Club was last redeveloped in 2010. In 2013, the Planning Board, Board of Appeals, and Conservation each approved a redevelopment of the Snow Inn Hotel building and construction of thirteen additional residential condominiums in a large, new building in the center of the Property. This redevelopment was ultimately not constructed. Parking-There will be no change or intensification in use as part of the proposal, and parking will remain sufficient.

With the exception of approximately eight (8) weekends during July and August for which a detailed parking management program is in place, there is an excess of parking at the Property. Shared 3 parking will continue for the non-residential uses. The existing eleven residential condominiums have separate, dedicated parking. Exclusive of this existing dedicated residential parking, the commercial parking spaces will continue to service the shared Beach Resort activities. All of the residential unit owners are also members of the Beach Resort and utilize their respective, personal parking spaces. During the height of the season, the on-site parking spaces are allocated as needed among Beach Club members, event guests, and hotel guests. Because all events are scheduled months in advance, the Resort operators know how many guests are attending and when. This allows them to manage the parking efficiently to provide adequate coverage for all activities on the Property. Buses are arranged to transport guests to the Property from off-site locations when necessary. All employees park off site and are shuttled or ride bicycles to the Property. The shuttle runs from 8:00 a.m. to midnight on each Saturday and Sunday and any other day deemed necessary due to event scheduling (primarily between June 15th and Labor Day). In addition, events are staggered such that most functions take place at times when the Beach Club is less active, and Beach Club activity is highest when functions are less active. Occupancy Commercial occupancy at the Beach Resort will remain the same. This includes: 1. A maximum of 650 restaurant seats shared among multiple buildings and function areas; 2. Up to 600 members (potential) at the Beach Club; 3. 26 hotel bedrooms in the Snow Inn Building; 4. Six (6) hotel bedrooms in the Channel House Building; and 5. Office space. There will be no change in the 43 bedrooms in the 11 residential condominium units. Building Height Maximum building height in the RH3 Zoning District is four stories and 50 ft. As shown on the submitted elevation plans, the reconstructed restaurant building (elevated to comply with flood plain regulations) will be a conforming two stories and height (49 ft. 10 in. to the top of the cupola, 36± ft. to the top of the roof bar, and the vast majority of the structure is at 27± ft.). The height of the relocated Coastal Pavilion structure will remain the same (35± ft.). Coverages Building coverage on the Property will remain conforming (11.4% proposed). Site coverage will continue to be nonconforming (39.9% proposed), but will be decreased slightly from the 40.1% existing site coverage. Amenities coverage will continue to be nonconforming (28.5% proposed), but will be decreased from the 29.9% existing amenities coverage. Green space will total 397,424 sq. ft. (60.1%). 4 During the Conservation Commission review of the proposed redevelopment, the Commission members asked the Applicant to study reducing the application of fertilizer and nitrogen to the function lawn areas in order to better protect the environment and the coastal resource areas. The submitted plans meet this request by converting a portion of the manicured function lawn area to a new synthetic turf that requires no watering, no fertilization, and no maintenance. The Applicant submits that the new turf area (to be installed as shown predominantly within the reconfigured swimming pool area to break up the massing of the concrete pool deck) is not site coverage or amenities coverage as each are defined in the Harwich Zoning By-Law. As discussed with Town Staff, the above analysis has been used in the calculation of the coverage numbers. The definition of site coverage is “the aggregate coverage of an individual site by buildings, parking areas and driveways (regardless of surface material), pools, decks and other permanent structures and all impervious surfaces.” Structure is defined as “a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, pool, reviewing stand, platform, bin or the like.” The definition of amenities coverage refers to “parking lots, roads, streets, tennis courts, swimming pools and like amenities and facilities...golf courses, putting greens, bowling greens and similar amenities which do not

involve covering the ground with any impervious material shall not be included for the purpose of computing the total ground coverage of a project.” With the exception of parking (which is counted as site coverage no matter the surface materials), both site coverage and amenities coverage expressly exempt all pervious materials from being included in such calculations. The turf being proposed in response to the Conservation Commission’s environmental request and the sand with loosely compacted gravel base are not only permeable materials, they have been documented to be significantly more permeable than the loam and seed that make up manicured lawns. The proposed turf in place of the lawn area does not meet the express definitions of either site coverage or amenities coverage as set forth in the Zoning By-Law. Landscaping, Lighting, and Drainage. A detailed landscape plan program is proposed for the redeveloped beach club facilities. A lighting plan and cut sheets have been provided. All lighting will comply with the Harwich lighting regulations and will be dark-sky compliant. Drainage will be improved by the reconfiguring of the pool deck areas with integrated open areas as well as by the replacement of a portion of the lawn with the new turf and upgrading existing drainage facilities. There will be no adverse impacts to surface water quality or groundwater quality. A Stormwater Report has been submitted. Conclusion- The proposal satisfies the provisions of the Zoning By-Law. The proposal will result in an existing building, including pool equipment and bathrooms, being relocated above the 100-year floor elevation. This will eliminate a pre-existing nonconforming condition and result in better environmental and stormwater protection than existing conditions. There will be no impact to parking, use, and traffic, and the proposal protects the safety, public health, convenience and general welfare of the community.

Mr. Singer pointed on the site plan where the proposals were to be made, as well as parking, and other issues. A lengthy explanation ensued on each area.

David Michniewicz, the engineer, discussed the existing site plan, as well as the proposed site plan. George Gakidis, the architect, reviewed the design structure. Dave Hawk, the landscape designer, reviewed the landscaping proposal and green space.

Mrs. Greenhalgh provided departments: Health: The septic system is regulated through the Department of Environmental Protection with a groundwater discharge permit. I recommend referral to the DEP to ensure the changes are within the scope of the wastewater system and do not require additional inspections. The proposed restaurant will require a new food service permit through the Health Department. Review of the floor plans and finishes is required prior to approval of a building permit application. Full compliance with the 2013 Federal Food Code is required. The new swimming pools fall under the jurisdiction of the Health Department and will require a full plan review through our office in addition to the Building Department. Full compliance with 105 CMR 435.00: Minimum Standards for Swimming Pools, the State Sanitary Code Chapter V is required. Fire, Police & Highway: No concerns. Conservation: Please see the attached memo from Amy Usowski, Conservation Administrator, date received January 16, 2020. Engineering: The Town Engineer reviewed the plans with the Town Planner. Planning Staff Comments: 1. As noted, the Town Engineer and Town Planner met to review the revised plans and application Jan. 8, 2020. Several question arose, and on Jan. 13, 2020 there was a staff level review with the applicant and several representatives. At this review meeting, several questions and concerns were raised and two revised plans were submitted on January 17, 2020 along with a more descriptive memo of the project. 2. The Town Engineer is awaiting additional information regarding the stormwater drainage. 3. The applicants propose to use artificial turf in

an around the pool area. They are counting this material not as lot coverage, but as green space. No information has been provided to the Planning Board as to the composition of the proposed material and base that will be needed for this artificial turf. I am not convince one way or the other as to the validity of identifying this a “green space”; which historically has been vegetation, a living thing. 4. Additionally, with regard to the artificial turf, the question arose as to whether this will leach any chemicals or plastics into either the ground water or into Nantucket Sound. 5. The Conservation Commission should review and approve this application before the Planning Board renders a decision. A large portion of the area involved is within a FEMA Flood Zone, for which Conservation has jurisdiction. Any requirements imposed by the Conservation Commission should be adopted by the Planning Board. 6. This will also require relief from the Zoning Board of Appeals, which is scheduled on January 29, 2020. 7. For the Beach Club Building a Roof Deck elevation of 34’ has been provided on the building plans; however an overall height of the proposed building has not been provided. 8. No height dimensions for the Pavilion have been provided. 9. As of January 21, 2020, two letters has been received, copies attached. 10. At this time, the recommendation is to hear from the applicant, any abutters or other citizens, and Board Members and to continue the hearing to a date and time specific.

Chairman McParland read two letters of concern into the record from Jack Welch, Snow Inn Road, and Thomas and Laurie Cosmer, of Davis Lane. The Board asked many questions, all which were answered by the applicants.

Bob Nickerson, Davis Lane, Pine Street, and Bay View, asked to see the south elevation. It is 34’ to the deck level, he would like to see is an overlay of the existing building to see the actual impact of what is changing. Visual impact, looking south, is a new massive structure, he won’t be able to see the water anymore. Merkel Beach wall will be right next to him. The structure is raised 12’ from where it currently is as a starting point. Noise impact- as everyone has on alcohol license, 150’. They are under the same guidelines and requirements. He has heard noise in Harwich proper from these premise. How will the noise be mitigated with 4 bars onsite? How many bars are needed? With this level of money, it has to impact the number of people. Piping Plovers should be a consideration. The number of lights, and light mitigation is a concern. 130 pages of pictures of lights. Increased number of people that walk down snow inn road, someone will get hit. People drive very fast. Number of accidents have happened from Snow Inn to Route 28. There are no sidewalks. Davis Lane is a one way dirt Road that has many curves. This is a dangerous traffic pattern. Proposed mitigation for this project?

Bruce Young, 678 Route 28, asked if there is any fire department access to the pool. It was responded yes. He stated it is difficult for the fire department to get access to the jetty.

Ms. Maslowski made the motion to continue the hearing at 10:01 PM to February 25, 2020 no earlier than 6:30 PM, seconded by Vice-Chairman Peterson, unanimously so voted via rollcall.

**PB2019-47 525 Camelot, Modification of a Site Plan Review Special Permit, 557 Route 28**  
***Representative:*** Andrew Singer, Chris Henry, and Sean Riley

Chairman McParland opened the hearing at 10:08 PM, by reading the legal notice into the record. Applicant seeks approval of a Modification of a Site Plan Review Special Permit (PB2016-20 & 17-13) and a Restaurant / Fast Food Takeout Use Special Permit pursuant to the

Code of the Town Harwich §§325-9, -14.O, -51 and 55. The use will be in association with a retail use and 24 seats (including 5 outdoor seats) are proposed. The property is located at 557 Route 28 (aka Harwich Port Commons), Map 14 Parcel V9 in the C-V and RH-1 zoning districts.

Mr. Singer requested that the Board cross out wine and beer from the floor plan, and not take that into consideration. It is ultimately up to the Board of Selectmen whether they can have a liquor license or not. The applicant has an approved site plans pursuant to Cases PB2016-20 and PB2017-13 for a mixed use development. A minor change to the site plan is proposed for minimal outdoor seating at the street front. A retail market is proposed on the first floor of the existing building and this use is allowable by right and requires no further approvals from the Planning Board. In conjunction with the retail market use, the applicant seeks a Use Special Permit for “Restaurant, Fast Food/Take Out” to allow for “take-out” foods, including but not limited to ice cream, deli sandwiches, coffee, etc.

Mr. Singer read his reasoning as follows: 525 Camelot LLC, owns the property at 557 Route 28 in Harwichport. The Property is located in the C-V and RH-1 Zoning Districts, and is improved with a recently-constructed, mixed-use building containing four dwelling units on the second floor and commercial space on the first floor. The Applicant previously sought and received a Site Plan Approval Special Permit and Use Special Permits from the Planning Board (PB2016-20, as modified in PB2017-13). The first-floor commercial space was discussed to be used for between one to four commercial tenants. At this time, the Applicant is proposing to have one commercial tenant in the entire space. There will be no change to the four residential units on the second floor. The primary use of the commercial space will be a retail market, which is allowed by right and requires no further regulatory review. A component of the market, a deli with ice cream and coffee service, requires an additional Use Special Permit as a fast food/takeout restaurant business. Twenty-four seats are proposed for this use- 19 inside and 5 outside on the front sidewalk adjacent to the building. Although the commercial use of the inside space on the first floor of the building does not require additional site plan review, the outside seats do require review. Based on all of the above, the Applicant is respectfully requesting an additional Use Special Permit in accordance with Sections 325-9, 325-13, 325-14.O, and 325-51 of the Harwich Zoning By-Law, as well as a further Modification of Site Plan Review in accordance with Section 325-55, as necessary, to allow the proposed use in a portion of the retail business and seating. The Board is authorized to grant the requested relief if certain findings are made. The Applicant respectfully submits that the findings can be made in this instance because: 1. The proposed use will be compatible with surrounding land uses in this commercial downtown area of Harwichport Center and will not adversely affect the neighborhood; 2. The Property remains an appropriate location for the proposed use, including outside seating, and will enhance the commercial downtown of Harwichport Center; 3. There will be no nuisance or serious hazard to vehicles or pedestrians. The existing parking (62 spaces) located to the rear of the building will remain conforming for the proposal. In addition, all commitments made in the agreements and easements with the abutting neighbors concerning access to and use of the shared parking area will be met, and the Applicant suggests that this be a condition of approval. Based on the foregoing, the proposed use will not adversely impact traffic flow and safety; 4. Adequate and appropriate facilities are provided for the proper operation of the proposed site. All of the activity, with the exception of the outside seats, will be located within the approved building. An enclosed trash area is provided in the rear of the Property. The loading facility originally approved by the Planning Board has been constructed and will not change. The septic system for

the Property has been installed and has sufficient design and capacity to handle the proposed use in accordance with the health regulations. 5. Lighting complies with the Harwich lighting regulations; 3 6. All necessary facilities and utilities are and will continue to be adequately and appropriately provided for the proper operation of the use. This includes water, electricity, heat, air conditioning, site drainage and landscaping to maintain the visual appearance of the site; 7. The proposal remains in compliance with (a) the Planning Board's Rules and Regulations governing Site Plan Review and (b) the Zoning By-Law; and 8. The Applicant agrees that Conditions 2 and 3 contained in the prior relief issued by the Board (PB2016-20, as modified in PB2017-13) be re-incorporated in this Application. For all of the above reasons, the Applicant respectfully requests that the Board make findings that the criteria set forth in the Zoning By-Law have been met and grant approval of the Modification of Site Plan Review as necessary and a Use Special Permit for a fast food takeout restaurant business, to allow the proposal to be completed as shown on the plans.

Mrs. Greenhalgh provided department comments: Health: The Board of Health approved this proposal on July 11, 2017 with the following conditions: 1) Construction and operation of the facility shall be as per the Environmental Impact Report dated May 31, 2017 – currently 4 retail spaces and 4 3-bedroom apartments. Potential uses outlined provide for a nitrogen loading capacity of 22.62 mg/l utilizing 12 bedrooms and a 57 seat food service facility. 2) Septic decision capacity allows for up to 3315 gallons per day although current proposal is for 1520 gallons per day. Applicant is aware that any change use must be pre-approved by applicant review boards. 3) Septic system use is for non-industrial waste only. Building: Building Permit Required. Questioned the parking for off-loading delivery trucks. Engineering, Fire and Police: No concerns. Planning Staff Comments: 1. The application before the Planning Board is for a minor change to the Site Plan and for a Use Special Permit relative to the Restaurant, Fast Food/Take out. The proposed retail market is an allowable use by right and requires no approvals from the Planning Board. 2. The proposed use is allowable in the C-V zoning district through the special permit process. 3. The commercial use is restricted to the C-V zoning district. 4. No significant changes are proposed for the site plan; however a condition to the total number of outdoor is recommended, as is a condition that the outdoor seats not restrict sidewalk use or impede accessibility. 5. The parking as provided as adequate for the proposed uses. 6. Standard conditions are recommended. 7. Any signage will require a Sign Permit from the Building Department.

Board members asked several questions, all which were answered by the applicant. Chairman McParland read a letter of opposition from Joe Della Morte into the record, explaining how the sale of alcohol would be breaking a recorded covenant.

Attorney William Crowell spoke for both Mr. Della Morte and the Waystacks, whom he is representing. Mr. Crowell stated that this property is in the heart of Harwichport. A development agreement was made in 2016, which went smoothly until now. The restrictive covenant protects Cranberry Liquors from this building ever selling liquor. This is a substantial detriment to Mr. Della Morte. The petitioner is not acting in good faith. The small business next door will be hurt. Part of the business model and plan is beer and wine sales. If the liquor sales was resolved, they would not have a large problem with this special permit. They will be back to the selectmen for approval of sale of liquor on this property. They do not want them touting that the planning

board had no problem, so the selectmen shouldn't have a problem. We should have a full discussion, like last time.

Mr. Della Morte spoke briefly about the agreement and the restrictive covenant. He explained that he gave up some of his parking when this process initially began in 2016. In exchange for parking, a restrictive covenant was created, protecting him from that building ever selling alcohol. He has no problem with the other aspects of the proposal, or if they even want to have a pouring license.

Richard Waystack stated he is concerned with this whole process. The planning board encouraged the original covenant and agreement, so why is it not being honored now? He explained that he has rights to their parking lot. Out of the 62 parking spots, 10 are Mr. Waystacks, 10 are Mr. Della Morte, and the rest belong to the applicant. There is a restriction on record at the Barnstable County Registry of Deeds stating this building cannot sell liquor, and yet the application includes alcohol sales. An out of state developer told them to cross out beer and wine on the application, but what does that mean? We work and live here, our word is our bond, and these out of state developers are not keeping their word. He would love to see a market go there, but he does not want his neighbor of 15 years be impacted. Good faith is them keeping their word. Bad faith is them saying I'm going to sell liquor, go back on our word, and compete with someone who has been selling liquor for 52 years. If the board must approve the application, please condition it so that no liquor sales can be made on the property. He does not want to have to appeal the decision, or take it to court, so please support the restriction of record. When people make promises, they should keep their word.

Bonnie Hall has been coming to the Cape since she was 1 years old. She was in the original Harwich Jr. Theatre. She has been living here since 2006 as a fulltime Harwich resident. She also happens to be the co-owner of the easement path behind Harwich Commons. The right of way easement is partly hers. She is fully aware of all the liquor licenses that are around her. The Hot Stove, Perks, Ember, Mad Minnow, Cape Sea Grille, and The Port. She loves Cranberry Liquors. We don't need beer and wine from a deli. She fully supports a deli though. She lived on Braddock Lane, and didn't need to drive. She would love to have a close deli, but will fight tooth and nail if there's a liquor license to sell beer and wine, and hurt cranberry liquors. She is horrified to think that a lawyer will go around the covenant. She wants the owners to realize the chamber of commerce advises beach goes to walk through the parking lot, go through the right of way, up Braddock Lane, and go to bank street beach so people aren't on Bank Street, which is fast. She enjoys watching people walk by her house. Go on record she is totally against it, and will fight with her neighbors alongside her.

Bob Reed, 52 Hoyt Road, owns the nearby bookshop. He agrees with what everyone has said. He wants people to understand what Cranberry liquors has meant to the Town. They are civic minded and generous people. He stated that Joe will always help in a low key way, and has made a tremendous difference in the community. You need to know this is a person who has done business in the old style on a handshake. We need to support long time businesses, or we'll be a different kind of town down the road. What has attracted people to Harwichport is the kind of feel this place has. Businesses are coming out in solidarity, because these people make this town what it is. Think protectively of them.

Cyndi William, Harwich Chamber of Commerce Executive Director, thanked all the merchants that came out. This proposal is more than a deli. Harwichport is a community. Right down the street is the Mason Jar, a deli that has been there for a long time. We are a community. We embrace any project trying to come in and promote shopping local, shopping small, and shopping Harwich.

Mr. Chadwick asked several questions on the covenant. Ms. Maslowski made the motion to continue the hearing at 11:01 PM to February 11, 2020 no earlier than 6:30 PM, seconded by Mr. Stoltz, unanimously so voted via roll call.

**ADVISORY OPINIONS:** Zoning Board of Appeals - Mrs. Greenhalgh spoke to Case #2020-01 KNT Realty Trust, for which the Planning Board approved a 2 Lot subdivision with a panhandle, knowing it would need zoning relief. She asked the Board if they wanted her to write a memo for the application. The Board agreed that would be appropriate.

**MEETING MINUTES:** January 14, 2020 - Ms. Maslowski made the motion to approve the meeting minutes as written from January 14, 2020, seconded by Mr. Chadwick, unanimously so voted via roll call.

**CONTINUED ZONING DISCUSSION IL ZONING DISTRICT EXPANSION:**

Mrs. Greenhalgh presented the revised map showing the IL Zoning District Expansion along Queen Anne Road.

Ms. Maslowski made the motion to refer the zoning district expansion to the Board of Selectmen for their refer for appropriate public hearings with intent on town meeting warrant, second by Vice-Chairman Peterson, unanimously so voted via roll call.

**PB2018-05: Cranberry Valley Golf Course Minor Site Plan**

Mrs. Greenhalgh explained that in early 2018 the Planning Board approved the site plan for the cart barn and for a reconfiguration of the parking area and landscaping nearest the pro-shop/restaurant building. At this time and after operating for a season with the approved layout nearest the proshop/restaurant building. This new configuration would allow for 10 more parking spaces and a better configuration and traffic flow. Below are reductions of the existing and proposed configurations. The question to the Board: does this need to come back for full review. She explained that the applicant wants to reconfigure the traffic flow, close off the large traffic circle with planters, and the small area closest to the large parking area, add 10 more spaces, and redesign for their needs.

The Board decided the applicants do not need to come again before the Board for the changes.

**BRIEFINGS AND REPORTS BY BOARD MEMBERS:** None.

**ADJOURNMENT:** Motion to adjourn by Ms. Maslowski at 11:10 PM, 2nd by Mr. Chadwick, unanimously so voted.

Respectfully submitted,  
Kathleen A. Tenaglia, Board Secretary

Adopted:

**HARWICH PLANNING BOARD  
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM  
TUESDAY, FEBRUARY 11, 2020 – 6:30 PM  
MEETING MINUTES**

**BOARD MEMBERS PRESENT:** Chairman Joseph McParland; Mary Maslowski; Craig Chadwick; and Arthur Rouse. David Harris was present via remote participation.

**BOARD MEMBERS ABSENT:** Vice-Chairman Alan Peterson; Duncan Berry; and William Stoltz.

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Cyndi Williams; Andrew Signer; Chris Henry; Bill Crowell; Joe Della Morte; Walter Mason; Peter Hurst; James Horgan; Joe Young; Michael Jacek; and others.

**CALL TO ORDER** - 6:30 PM by Mr. McParland with a quorum present.

Chairman McParland announced the Recording & Taping Notification: As required by law, the Town may audio or video record the meeting. Any person intending to either audio or video record this open session is required to inform the chair.

Chris Henry announced he will be audio recording.

**PB2019-45 Royal Apartments LLC, Multi-Family Use Special Permits and Site Plan Review Special Permit, 328 Bank Street**

Chairman McParland re-opened the hearing at 6:31 PM. Applicant seeks approval of a Multi-Family Use Special Permits in the Harwich Center Overlay District and a Site Plan Review Special Permit for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.D and -51.O and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L, Harwich Center Overlay and Historic Districts. Hearing continued from January 28, 2020. The applicant has requested a further continuance to March 10, 2020.

Ms. Maslowski made the motion to continue the hearing to March 10, 2020 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously so voted via roll call (5-0-0).

**PB2020-01 Donna Smith, Site Plan Review Special Permit and a Use Special Permit with Waivers, 296 Route 28**

Ms. Maslowski recused herself from the hearing.

Chairman McParland opened the hearing at 6:32 PM by reading the legal notice into the record. Applicants seek approval of a Site Plan Review Special Permit and a Use Special Permit with waivers pursuant to the Code of Town of Harwich §§325-13, ¶IV Line 30 & 32A, -14.O, -55, -51 and -107 to renovate and expand the existing recreational use via a 4-station mobile bungee trampoline, construct and operate a new snack shack with Fast Food / Take Out and expand and improve the parking and vehicle access. The property is located at 296 Route 28, Map 12, Parcel H1, in the C-H-1 and R-R zoning districts and the A-E Special Flood Hazard Area overlay.

Mrs. Greenhalgh read an email request of continuance from the applicant into the record. Mr. Chadwick made the motion to continue the hearing to March 10, 2020 no earlier than 6:30 PM, seconded by Chairman McParland, unanimously so voted via rollcall (4-0-0).

**PB2020-02 Steve Gopoyan & Swavi Osev, Site Plan Review Special Permit and a Use Special Permit with Waivers, 346 Route 28 and 0 Sisson Road**

Ms. Maslowski recused herself from the hearing.

Chairman McParland opened the hearing at 6:34 PM by reading the legal notice into the record. Emulous E Hall, et als., as owners, seeks approval of a Site Plan Review Special Permit and a Use Special Permit with waivers, pursuant to the Code of Town of Harwich §§325-13, ¶IV Line 30, -55 and -51 to construct a miniature golf course and expand and improve the parking and vehicle access. The property is located at 346 Route 28 and 0 Sisson Road, Maps 21, Parcels N1 & N2, respectively, in the C-H-1 and R-M zoning districts.

Mrs. Greenhalgh stated that the applicant has requested a continuance to March 10, 2020. Mr. Chadwick made the motion to continue the hearing to March 10, 2020 no earlier than 6:30 PM, seconded by Chairman McParland, unanimously so voted via rollcall (4-0-0).

Ms. Maslowski returned to the Board at this time.

**PB2019-47 525 Camelot LLC, Modification of a Site Plan Review Special Permit and a Restaurant Use Special Permit, 557 Route 28**

***Representative:*** Andrew Singer and Chris Henry

Chairman McParland re-opened the hearing at 6:36 PM. Applicant seeks approval of a Modification of a Site Plan Review Special Permit (PB2016-20 & 17-13) and a Restaurant / Fast Food Takeout Use Special Permit pursuant to the Code of the Town Harwich §§325-9, -14.O, -51 and 55. The use will be in association with a retail use and 24 seats (including 5 outdoor seats) are proposed. The property is located at 557 Route 28 (aka Harwich Port Commons), Map 14 Parcel V9 in the C-V and RH-1 zoning districts. Continue from January 28, 2020.

Andrew Singer began the hearing by explaining that they submitted revised plans with minor changes, such as floor plan labeling. The outside seats corrected the location of the tables, and added one outside seat for 6 outside and 18 inside. The plans stayed the same other than that. The deli use is technically considered fast food take out, and therefore requires the restaurant use special permit, and an amended site plan is needed for the outside seats. Since the last meeting, they have had meetings with the abutters, and are happy to report that all parties are in agreement moving forward. A private resolution is being made, and they will continue to work together on the matter.

Mrs. Greenhalgh provided Planning Staff Comments 1. A revised floor plan, dated 2-3-20, was submitted showing a slight change to the outdoor seating. The seating was moved and reconfigured for one additional seat, for a total of 6 outdoor seats. 2. Additionally, the revised plan also shows the relabeling of the some interior spaces. "Wine/Beer/Cheese" is now

“Dairy/Beverages/Cold Storage”; “Ref/Freezer” is now “Produce/Dairy”; the “Checkout Counter” has been relocated to the rear of the store; and the “Ice Cream Counter” label has been removed; and the indoor seating has been reduced by one seat. The total number of seats, inside and out, remains at 24. 3. The application before the Planning Board is for a minor change to the Site Plan and for a Use Special Permit relative to the Restaurant, Fast Food/Take out. The proposed retail market is an allowable use by right and requires no approvals from the Planning Board. 4. The proposed use is allowable in the C-V zoning district through the special permit process. 5. The commercial use is restricted to the C-V zoning district. No significant changes are proposed for the site plan; however a condition to the total number of outdoor seats is recommended, as is a condition that the outdoor seats not restrict sidewalk use or impede accessibility. 7. The parking as provided as adequate for the proposed uses. 8. Standard conditions are recommended. 9. Any signage will require a Sign Permit from the Building Department.

Mr. Chadwick asked about outdoor seating locations with regards to sidewalk placement. Mr. Singer stated that this is not a regular sit down restaurant, it is just a brief take out. They would consider location, but it has not been discussed with the Town.

William Crowell, who is representing Joe Della Morte and Bernadette and Richard Waystack, thanked the Board and the Chairman for continuing the case originally. They have negotiated and worked this out. Both of his clients are in support of this application, and they have no objections.

Mr. Della Morte, cranberry liquors owner, stated that it was an intense few days of negotiating, but they have come to a reasonable, workable, solution with respect to alcohol sales. He looks forward to working cooperative for a mutually beneficial business for the town of Harwich.

Walter Mason, Miles Street, stated that this is a great project for the town. The applicant has put a lot of money into this building, it will be a low margin business, but the retail aspect is really needed for it to be economical. Please support the application.

Peter Hurst, Kite Shop owner, questioned what was proposed. It was explained and shown on the plan. He suggested that they have a place to get coffee or a muffin, like Buckie’s biscotti. A nice coffee shop would be a no-brainer. It would be conducive to what is already proposed. People need a place to sit.

James Horgan, 1 Belmont Road, stated that what is happening in Harwich is tremendous. The new building is a centerpiece of Harwich port. Seeing that full and vibrant area would be a huge asset. This would be a great thing for everyone. He commends the planning board and the chamber of commerce, and everyone who has done so much to rejuvenate the area.

Joe Young, 611 Route 28, stated that his family and friends are all for this market. This is what Harwich port needs. This is something Harwich port has been missing. This is a great thing. Please allow this to happen. The revitalization is great for everyone all around financially, real estate values will go up.

Cyndi Williams, Harwich Chamber Director, reminds everyone what we do have already in Harwich port for many years. She is glad new business is coming, and glad it will be compliment what we have existing. The Mason Jar is an existing deli, and this project with a butcher shop and Seafood counter would be a compliment.

Andrew Singer pointed out that there is a coffee corner, butcher shop, and seafood counter proposed. Ms. Williams asked if it will be year round. It was responded yes.

Mr. Henry stated that they do not have an operator at the moment, but will hopefully be having a Seafood Counter, Coffee Counter, Butcher with light grab and go sandwiches, dry goods, and other businesses that are in Harwich port.

Chairman McParland read letters of support into the record from Susan Battles, Megan Yaps, and Neil Cronin.

Mr. Chadwick raised the concern with the outdoor tables and lack of barrier based on Planning Board previous applications, and clarified who would have the authority if alcohol will be consumed outside. Chairman McParland responded that the licensing authority would be responsible.

Ms. Maslowski stated she believes it would be part of the site plan, regardless of whether alcohol is being served or not.

Mr. Harris stated that there are hundreds of these restaurants in Washington DC some have barriers, some do not. There is no requirement. He sees no need for it.

Mr. Singer stated that there is a proposed condition that the outside seating will not impede traffic. If it became an issue, that is the condition that would trigger revisiting the site plan review. If there was a desire to have a pouring license, the selectmen would require a barrier for control. The condition should address that.

A lengthy discussion ensued. After which, Ms. Maslowski made the motion to close the public hearing at 7:09 PM seconded by Mr. Chadwick, unanimously so voted via roll call.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to adopt the following:

1. Said parcel for the proposed use is primarily in the C-V Zoning District and the Village Commercial Overlay District. A small portion of the rear of the parcel is in the RH-1 zoning district.
2. The Restaurant, Fast Food/Take-out Use will be in conjunction with the Retail Market.
3. The Restaurant, Fast Food/Take-out Use is a 'permitted use' by the Planning Board as the Special Permit Granting Authority in the C-V zoning district.
4. The proposed use will not adversely impact traffic flow and safety.
5. The proposed use will be compatible with surrounding land uses.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to approve with conditions the Use Special Permit for PB2019-47 525 Camelot, LLC, for a Restaurant, Fast Food/Takeout pursuant to the Code of the Town Harwich §§325 9, -14.O, and -51, in association with a retail use, with 24 seats (including 6 outdoor seats) for property located at 557 Route 28 (aka Harwich Port Commons), Map 14 Parcel V9 in the C-V and RH-1 zoning districts. The decision is based on the above findings and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich with the following conditions:

1. The total number of seats shall not exceed twenty-four (24).
2. No more than six (6) outdoor seats are allowable at the Route 28 street side of the building and said seat shall not restrict sidewalk use or impede accessibility.
3. All signage is subject to all Town of Harwich Code regulations and specifically Article VII.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to adopt the following:

1. The parcel is primarily in the C-V Zoning District and the Village Commercial Overlay District. A small portion of the rear of the parcel is in the RH-1 zoning district.
2. The Site Plan was scrutinized during the previous reviews pursuant to PB2016-20 and PB2017-13.
3. No significant changes are proposed from the previously approved site plans.
4. The only change to the site plan is the inclusion of six (6) outdoor seats at the front of the building.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to approve with conditions case number PB2019-47 525 Camelot, LLC for a Modification of a Site Plan Review Special Permit (PB2016-20 & PB2017-13) pursuant to the Code of the Town Harwich §325-55 for a retail use and a 24 seat (including 6 outdoor seats) Restaurant, Fast Food/Take-Out for the property located at 557 Route 28 (aka Harwich Port Commons), Map 14 Parcel V9 in the C-V and RH-1 zoning districts. 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 retail use is permitted in the zoning district and the Restaurant, Fast Food/Take Out Use Special Permit has been approved. The following conditions are imposed:

1. The total number of seats shall not exceed twenty-four (24).
2. No more than six (6) outdoor seats are allowable at the street side of the building without review and approval by the Planning Board.
3. Said outdoor seating shall not restrict sidewalk use or impede accessibility.
4. All previous condition imposed by the Planning Board, pursuant to PB2016-20 and PB2017-13 shall be adhered to.
5. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
6. This decision shall be recorded at the Barnstable Registry of Deeds.
7. 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.

**PB2019-48 554 Street Bar LLC, Modification - Site Plan Review Special Permit 554 Route 28**

***Repetitive:*** Michael Jacek

Chairman McParland opened the hearing at 7:17 PM by reading the legal notice into the record. HP Property Investment LLC, as owner, seeks approval of a Modification of a Site Plan Review Special Permit (PB2019-09) to add to and reconfigure the outdoor seating at the front of the building which includes an exterior bar takeout window. The property is located at 554 Route 28, Map 14, Parcel T7 in the C-V and R-M zoning districts. The application is pursuant to the Code of the Town of Harwich §325-55.

Michael Jacek explained that he is seeking approval to expand from 40 seats to 71 seats. A lengthy discussion ensued on planter barrier locations.

Mrs. Greenhalgh provided departmental comments: Health: Prior to use of the additional seating, a septic system installer must apply for a permit to install an additional exterior grease collection tank. With the addition of this tank, the property will be able to accommodate the proposed 71 seats (14 full service seats inside 10 Yen, 34 outdoor seats and 23 interior seats utilizing disposable tableware at the newly named 3 Monkeys. Plan review of the interior including the kitchen and bar is required prior to the issuance of Health Department Food Service permits, however this should not interfere with the Planning Board approval process. Fire: No concerns. Great plan. Police Department: No concerns. Planning Staff Comments A. The proposed outdoor seating is located entirely on the subject property. B. There is no change in the required number of parking spaces, as a retail space is being eliminated. C. General Conditions, including a reference to prior conditions relative to PB2013-14 and PB2019-09, shall continue to be adhered to. D. Board of Health conditions are recommended as part of the conditions of approval. E. The request before the Board appears to be appropriate.

Joe Young, 611 Route 28, stated what Michael and his business partners are doing is great. We always need more outdoor seating. This is a great application. His family is for it, and it is a great opportunity with Harwich port.

Walter Mason, Miles Street, stated that they run a great establishment, they have great employees, this is a growing revenue for the town, they make a great product, they have dressed up the building nicely, and completely improved the look of the building. This creates a walking Town. This a huge improvement. They do a great job, and constantly looking for ways to improve.

Cyndi Williams thanked Mike, Tony, and Mike, for adding to the charm of Harwich port, it is becoming a destination. Please support what they are doing.

Jim Horgan, 1 Belmont Road, been to Ten Yen many times with his daughter. Mike is the consummate professional, and his staff is above and beyond. They are doing a great job, this will be an asset to Harwich port.

Ms. Maslowski made the motion to close the public hearing at 7:30 PM, seconded by Mr. Chadwick, unanimously so voted via roll call (5-0-0).

On a motion by Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to adopt the following findings of fact:

1. The property is located within the C-V, V-C Overlay and R-M zoning districts.
2. The proposed outdoor patio is located entirely within the C-V and V-C Overlay districts.
3. The site has changed little, except for the outdoor patio seating, since approvals were received for the site in 2013 and 2019.
4. No nuisance or hazards relative to pedestrian or vehicular travel will be created.

On a motion by Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to approve with conditions case number PB2019-48 554 Street Bar LLC, c/o Michael Jacek, as applicant/tenant, HP Property Investment LLC, as owner, a Modification of a Site Plan Review Special Permit (PB2019-09) to add to and reconfigure the outdoor seating at the front of the building which includes an exterior bar takeout window for property located at 554 Route 28, Map 14, Parcel T7 in the C-V and R-M zoning districts pursuant to the Code of the Town of Harwich §325-55. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions:

1. Prior to use of the additional seating, a septic system installer must apply for a permit to install an additional exterior grease collection tank.
2. All prior conditions pursuant to PB2013-14 and PB2019-09 shall continue to be adhered to.
3. This decision shall be recorded at the Barnstable Registry of Deeds prior to the issuance of a building permit.
4. 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.

**NEW BUSINESS:** none.

**OLD BUSINESS:** none.

**BRIEFINGS AND REPORTS BY BOARD MEMBERS:**

Ms. Maslowski updated the Board on the CPC applications.

Mrs. Greenhalgh stated that there will be public hearing February 25 on the zoning amendments for Essential Services, and another on March 10 for the Industrial Zone.

**ADJOURNMENT** - Ms. Maslowski made the motion to adjourn at 7:36 PM, seconded by Chairman McParland, unanimously so voted via rollcall (5-0-0).

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary

Adopted: