

**Harwich Planning Board Agenda**  
**Griffin Room, Town Hall, 732 Main Street, Harwich**  
**Tuesday, March 10, 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 PB2020-01 Donna Smith, TR**, as owner, Michael Doucette, Officer, c/o Steven Haas, PLS, 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 & 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. *Continued from February 11, 2020.*
- B. **Continued PB2020-02 Steve Gopoyan & Swavi Osev**, as applicant/tenant, c/o Andrew Singer, Esq., Emulous E Hall, et als., as owners, seeks approval of a Site Plan Review Special Permit and a Use Special Permit with waivers, pursuant to the Code of Town of Harwich §§325-13, ¶IV Line 30, -55 and -51 to construct a miniature golf course and expand and improve the parking and vehicle access. The property is located at 346 Route 28 and 0 Sisson Road, Maps 21, Parcels N1 & N2, respectively, in the C-H-1 and R-M zoning districts. *Continued from February 11, 2020.*
- C. **Continued PB2019-45 Royal Apartments LLC**, as owner, Alex Bardin, Representative, seeks approval of a Multi-Family Use Special Permits in the Harwich Center Overlay District and a Site Plan Review Special Permit for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.D and -51.O and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L, Harwich Center Overlay and Historic Districts. *Continued from February 11, 2020.*
- D. In accordance with the provisions of MGL c.40A §5, the Harwich Planning Board will hold a public hearing on Tuesday, March 10, 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 amend the Code of the Town of Harwich, §325-4 and Attachment 4 – The Zoning Map, by extending the Industrial (I-L) Zoning District westerly along Queen Anne Road and the existing I-L zoning district as shown on the amended Zoning Map, dated January 23, 2020, a copy of which is on file in the Town Clerk’s Office.

**III. Public Meeting\***

- A. New Business:
- B. Meeting Minutes: February 25, 2020
- C. Old Business: Further discussion - proposed zoning amendment re: “Essential Services”
- 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 24, 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 # ~~XXX~~ II.A**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 3, 2020  
Re: Staff Report – Site Plan Review Special Permit & Use Special Permit

**PB2020-01 Donna Smith, TR**, as owner, Michael Doucette, Officer, c/o Steven Haas, PLS, 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 & 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.

The Planning Board will hold a public hearing at the Tuesday, February 11, 2020 meeting no earlier than at 6:30 p.m. Abutters were notified via Certified Mail January 24, 2020.

**Description**

The applicant seeks three approvals for the same property at 296 Route 28. The first is a Site Plan Review Special Permit for an expansion of the site, including parking, a snack shack structure and additional trampolines. The second is a Use Special Permit for a Restaurant, Fast Food/Take Out, in the form of a small building, aka snack shack. The third is a Use Special Permit for Outdoor Recreation Use, an expansion of the trampoline use. The application was filed with the Town Clerk on January 7, 2020 with revised plans and waivers submitted on January 27, 2020 and include the following:

1. Form A – Special Permits & Site Plan Review dated January 7, 2020
2. Municipal Lien Certificate
3. A letter dated January 7, 2020 from Donna Smith
4. Waiver Requests, date stamped received January 7, 2020
5. Floor plan for “Snack Shack” dated 1/6/2020
6. Set of elevation plans, including North, South, East and West Elevations, Natural White Cedar Shingles, White Trim, Slate Grey Roof
7. Photo showing proposed Sail Shades
8. Photo showing new bungee trampolines
9. Set of “Site Plan of Land” 296 Route 28, Map 12, Parcel H1-0, West Harwich, MA, prepared for Trampoline Center, prepared by Stephen A. Haas, P.E. as follows:
  - a. Existing Conditions, scale 1” = 20’, dated November 26, 2019.
  - b. Sheet 1 dated November 26, 2019, Revised December 30, 2019 and January 23, 2020, scale 1”=20’
  - c. Sheet 2 dated December 30, 2019, scale as noted



### **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 the review:

- Restaurant, Fast Food/Take Out pursuant to the Code of the Town of Harwich §325-13 (Use Table) Paragraph IV. 32A; §325-14(O); and, §325-51
- Recreation, Outdoor pursuant to §325-13 (Use Table) Paragraph IV.30 and §325-51
- Site Plan Review Special Permit pursuant to §325-55. Please note that 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 the site is located within the FEMA Flood Plain pursuant to §325-107; which does not require Planning Board approval.

### **Waivers**

The following waivers are requested (explanations provided in *italics*):

1. Drainage calculations and drainage area map. *There will be minor changes to the impervious/pervious surfaces for this proposal. Currently all runoff from impervious surfaces flows to the rear of the parking area and infiltrates into the wooded area. The properties on either side are higher in elevation than the locus, so all runoff remains on this property.*
2. Detail Plan Contents.
  - a. Dumpsters. *There will be individual barrels for trash that will be taken in nightly.*
  - b. Service areas, Loading areas, Sidewalks, Easements and Freestanding signs. *These areas are not required or proposed for this application.*
  - c. Subsurface drainage and Drainage facilities. *See above.*
  - d. Utilities: Gas. *Gas is not required.*
  - e. Specifications, details and cross sections for: Lighting, Fencing and Retaining walls. *The exact specifications for these have not been determined yet but all will comply with town zoning regulations.*
3. Landscaping Plans. *General landscaping i.e.: areas to be loamed and seeded, existing wooded areas etc. are noted on the site plan.*

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

**Health:** A fully compliant septic systems will be required prior to any building permit issuance. No variances from State or Local Regulations will be granted for new construction. As the plan is shown, the septic design flow is appropriate for the proposed use. Four test holes and two percolation tests still need to be scheduled with the Health Department.

Installation of a grease strap is strongly recommended, as the lack of grease trap will severely limit any future food service plans (i.e. prepared hot foods, fried foods, homemade ice cream, etc.). The applicant will need to meet with the Health Director prior to food permit

issuance, and will need to address several areas of concern, such as dry storage and floor plan layout.

All of the Health Department issues can be addressed with the applicant directly during the permitting phase, and none of the Health Department concerns should negatively impact the Planning Board decision.

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

**Building:** Building Permit Required.

**Conservation:** Approved by Conservation Commission on January 8, 2020. Only conditions were no chemical use on property (fertilizers, etc.)

**Engineering:** Please refer to Planning Staff Comments Below.

### **Planning Staff Comments**

1. The Town Engineer and Town Planner met to review this application and plans on January 14, 2020. A list of questions/concerns was provided to Stephen Haas, P.E. on January 17<sup>th</sup>. Staff then met with Mr. Haas on January 23<sup>rd</sup>. Revised plans were submitted on January 27, 2020, which address most of our concerns.
2. The plan does need to be stamped by a P.L.S, as new setbacks are shown.
3. It is recommended that although the parking is primarily stone and shell, the parking lines should be lined annually before the trampoline season begins.
4. Currently the establishment to the east of this site (#302 Route 28) accesses its dumpster via the subject property. This access will be closed off.
5. The food truck use and the additional outdoor recreation use are allowable in the C-H-1 zoning district through the special permit process.
6. The rear portion of the property is located within the R-R Zoning District. No development is proposed within this area of the lot.
7. At this time exterior lighting details have not been provided; staff recommends that this be a condition of approval.
8. Any signage will require a Sign Permit from the Building Department.
9. The applicant is aware that they *may* need a MassDOT Access Permit for the enlarged driveway and extended use.
10. The Board may wish to impose restriction/conditions for the seasonal snack shack. Some examples:
  - a. Conditioned to operations between June 15 – September 15
  - b. Conditioned to specific times during the day (i.e. only serving lunch (11:00am – 3:00pm).
  - c. Any increases in the need for additional on-site parking shall require the applicant to return to the Planning Board for further review and approvals.
11. The waivers requested are reasonable.

### **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 **PB2020-01 Donna Smith, TR**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *Feb. 25, March 10, March 24*) 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 on Finding of Facts for the Use Special Permit – Restaurant, Fast Food/Take Out**

Motion to adopt the following findings of fact:

1. Said parcel is located within the C-H-1 and R-R Zoning Districts.
2. The Restaurant, Fast Food/Take Out use is permitted by Special Permit by the Planning Board.
3. The business operation is contained wholly within the C-H-1 district.
4. The proposed use will not adversely impact traffic flow and safety.
5. The proposed use will be compatible with surrounding land uses.
6. The specific site is an appropriate location for the use.
7. There will be no nuisance or serious hazard to vehicles or pedestrians.
8. The snack shack operation is seasonal by nature.
9. The applicant must comply with all local and state food service regulations for the snack shack operation.
10. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

**III. Vote on the Use Special Permit – Restaurant, Fast Food/Take Out**

1. Motion to ***approve*** the Use Special Permit for PB2020-01 Donna Smith, TR, pursuant to §325-13 ¶IV.32.A, §324-14(O) and §325-51 for a Restaurant, Fast Food – Take Out (Snack Shack) at property 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. 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.
2. Motion to ***approve with conditions*** the Use Special Permit for PB2020-01 Donna Smith, TR, pursuant to §325-13 ¶IV.32.A, §324-14(O) and §325-51 for a Restaurant, Fast Food – Take Out (Snack Shack) at property 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. 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 snack shack must obtain a permit from the Health Department prior to operation.
  - (2) There shall be no table service provided to customers- take-out food only.
  - (3) No retail sales or displays are allowed outside the truck.
3. Motion to ***deny*** the Use Special Permit for PB2020-01 Donna Smith, TR, pursuant to §325-13 ¶IV.32.A, §324-14(O) and §325-51 for a Restaurant, Fast Food – Take Out (Snack Shack) at property 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. The decision is based on the fact that the application does not meet the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich, specifically (*need to provide the specifics as to why this does not comply*).

#### **IV. Vote on Finding of Facts for the Use Special Permit – Outdoor Recreation**

Motion to adopt the following findings of fact:

1. Said parcel is located within the C-H-1 and R-R Zoning Districts.
2. The Outdoor Recreation Use is permitted by Special Permit by the Planning Board.
3. The business operation is contained wholly within the C-H-1 district.
4. The proposed use will not adversely impact traffic flow and safety.
5. The proposed use will be compatible with surrounding land uses.
6. The specific site is an appropriate location for the use.
7. There will be no nuisance or serious hazard to vehicles or pedestrians.
8. The trampoline operation is seasonal by nature.
9. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

#### **V. Vote on the Use Special Permit – Outdoor Recreation Use**

1. Motion to ***approve*** the Use Special Permit for PB2020-01 Donna Smith, TR, pursuant to §325-13 ¶IV.30 and §325-51 for an expansion of the Outdoor Recreation Use (Trampolines) at property 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. 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.
2. Motion to ***approve with conditions*** the Use Special Permit for PB2020-01 Donna Smith, TR, pursuant to §325-13 ¶IV.30 and §325-51 for an expansion of the Outdoor Recreation Use (Trampolines) at property 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. 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: (*Need to specify any conditions*)
3. Motion to ***deny*** the Use Special Permit for PB2020-01 Donna Smith, TR, pursuant to §325-13 ¶IV.30 and §325-51 for an expansion of the Outdoor Recreation Use (Trampolines) at property 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. The decision is based on the fact that the application does not meet the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich, specifically (*need to provide the specifics as to why this does not comply*).

#### **VI. Vote on Waivers for Site Plan Review Special Permit - (Vote to approve)**

To approve the following waivers pursuant to §400, as requested base on the facts presented by the applicant:

1. Drainage calculations and drainage area map.
2. Detail Plan Contents.
  - a. Dumpsters.
  - b. Service areas, Loading areas, Sidewalks, Easements and Freestanding signs.

- c. Subsurface drainage and Drainage facilities.
  - d. Utilities: Gas.
  - e. Specifications, details and cross sections for: Lighting, Fencing and Retaining walls.
3. Landscaping Plans.

**Vote to Adopt Proposed Findings:**

To adopt the following finding of fact:

1. The property is located within the C-H-1 and R-R zoning districts.
2. The uses are allowable by Special Permit.
3. The access is over the existing westerly curb cut on Route 28.
4. The existing easterly curb cut on Route 28 will be closed off.
5. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.

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

To approve with conditions case number **PB2020-01 Donna Smith, TR**, for a Site Plan Review Special Permit with waivers pursuant to the Code of Town of Harwich §325-55 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 for property 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. 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. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
2. Lighting shall comply with the requirements of the Code of the Town of Harwich.
3. Any changes to the site plan, other than those resulting from MassDOT review and approval, shall be subject to further Planning Board review and approval.
4. This decision shall be recorded at the Barnstable Registry of Deeds prior to the issuance of a building permit.
5. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

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

Town of Harwich  
Planning Board Application  
Special Permits and Site Plan Review

The Trampoline Center  
296 Route 28  
West Harwich, MA 02671

January 7, 2020

Harwich Planning Board  
732 Main Street  
Harwich, MA 02645

Dear members of the board:

Please find the following information as a brief narrative for the Proposed Use(s) for the Trampoline Center expansion plan that will be phased in over time. The business is looking to enhance the property with a small takeout/fast food establishment that will focus on plant-based items as well as an additional recreation area. We are also proposing Shade Sails over the existing Trampolines to provide cover on sunny or damp days.

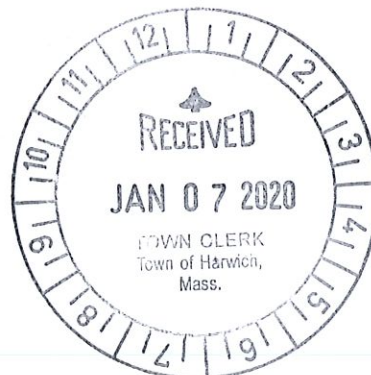
The snack shack will be a small structure 26'X12' (see attached plans) and the recreation area will be on a 25'X25' concrete slab. The recreation area will include, but not be limited to, a 4-station mobile bungee trampoline. The snack shack will have outdoor lighting that shall comply with all town zoning regulations. The area will be kept clean with individual trash barrels and all trash will be removed daily. We will also be loaming and seeding existing gravel/stone areas adding more green space to enhance the property.

Thank you for your consideration.

Best regards,

*Donna W. Smith*

Donna Smith



## Waivers requested from Appendix 4, Requirements for Application and Plans for Special Permits including Site Plan Review

### General Filing.

Drainage calculations and drainage area map. There will be minor changes to the impervious/pervious surfaces for this proposal. Currently all runoff from impervious surfaces flows to the rear of the parking area and infiltrates into the wooded area. The properties on either side are higher in elevation than the locus, so all runoff remains on this property.

### Detail Plan Contents.

Dumpsters. There will be individual barrels for trash that will be taken in nightly.

Service areas, Loading areas, Sidewalks, Easements and Freestanding signs. These areas are not required or proposed for this application.

Subsurface drainage and Drainage facilities. See above.

Utilities: Gas. Gas is not required.

Specifications, details and cross sections for: Lighting, Fencing and Retaining walls. The exact specifications for these have not been determined yet but all will comply with town zoning regulations.

Landscaping Plans. General landscaping ie: areas to be loamed and seeded, existing wooded areas etc. are noted on the site plan.

Water Resource Protection District. This property does not fall within the WRPD.





# GENERAL NOTES:

1. THIS PLAN IS FOR THE DESIGN AND CONSTRUCTION OF THE SEWAGE DISPOSAL SYSTEM AND PERMITTING PURPOSES ONLY.
2. SET POINT DATUM IS WYD 88. FOR BENCH MARKS VERTICAL, SEE SITE PLAN. ENTIRE LOT FALLS WITHIN FLOOD ZONE AE (EL. 11).
3. THE LIMIT OF WETLAND VEGETATION AS SHOWN ON THIS PLAN WAS DETERMINED BY JAHNKE CONSULTING.
4. 1-888-DIG-SAFE AND THE LOCAL "DIG-SAFE". 1-888-DIG-SAFE AND THE LOCAL WARE DEPT. FOR LOCATION OF UNDERGROUND UTILITIES.
5. SEPTIC SYSTEM INSTALLER SHALL NOTIFY THE DESIGN ENGINEER TWO DAYS PRIOR TO THE COMPLETION OF THE SYSTEM TO ALLOW FOR SCHEDULING OF THE CONSTRUCTION INSPECTIONS.
6. ALL CONSTRUCTION METHODS AND MATERIALS AND MAINTENANCE OF THE SEPTIC SYSTEM SHALL CONFORM TO MASS. D.E.P. TITLE 5 AND LOCAL BOARD OF HEALTH REGULATIONS.
7. ALL SEPTIC SYSTEM COMPONENTS LOCATED UNDER AREAS SUBJECT TO VEHICULAR TRAFFIC OR GREATER THAN 4" IN DEPTH SHALL BE CAPABLE OF WITHSTANDING P-50 WHEEL LOADS.
8. ALL SEWER PIPE SHALL BE SCHEDULE 40 PVC OR APPROVED EQUAL.
9. THE SEPTIC TANK AND PUMP CHAMBER SHALL BE REINFORCED PRECAST CONCRETE. WATER-TIGHT AND WATERPROOF.
10. ALL UNSUITABLE MATERIAL (A & B WOODS) SHALL BE REMOVED FROM THE INVERT OF THE LEACHING FACILITY TO BE REMOVED FOR A DISTANCE OF 5' AROUND AND REPLACED WITH SAND IN ACCORDANCE WITH TITLE 5.
11. NO DETERMINATION HAS BEEN MADE AS TO COMPLIANCE WITH DEED RESTRICTIONS OR ZONING REGULATIONS. IT SHALL REMAIN THE CLIENTS RESPONSIBILITY TO OBTAIN ALL PERMITS, SPECIAL PERMITS, VARIANCES ETC. FOR THIS PROJECT.
12. THE PROPOSED STRUCTURE IS TO BE FLOOD COMPLIANT.
13. A SEWAGE DISPOSAL CONSTRUCTION PERMIT FOR THE PROPOSED USE IS REQUIRED.
14. EXISTING LIGHTING TO REMAIN. EXTERIOR LIGHTING ON THE SNACK SHACK SHALL COMPLY WITH ALL TOWN ZONING REGULATIONS.
15. LINES TO BE PAINTED ON THE GRASS PARKING SEASONALLY AND AS REQUIRED.

EX-17710 TENN/10 COUNTY

EXISTING  
PARCEL AREA

AREA  
70.290± S.F.  
1.61± ACRES

42' W.B.  
3.52.01.11 N

S

9

PARKING REQUIREMENTS:		● OF SPACES REQUIRED
PARKING REQUIREMENT GENERATOR	QUANTITY OR RATED CAPACITY	BASIS FOR PARKING CALCULATION PER TABLE 4
RECREATION	2 EQUIPMENT	1/200 MAX SHUTT - 2
SNACK SHACK	1 BUNDTOP / 1 #/HOB	1/125 TRAMPOLINE - 6 PLUS 6
		TOTAL SPACES PROVIDED 16

■ CONCRETE SOUND FOUND  
 ○ WATER GATE  
 ○ WATER LINE  
 ○ HYDRANT  
 ○ TELEPHONE MANHOLE  
 ○ SEWER LINE  
 ■ SINK  
 ○ UTILITY POLE W/ GUY WIRE  
 ○ OVER HEAD WIRES  
 ○ EXISTING LIGHT POLE  
 ○ UNDERGROUND ELECTRIC AND  
 ○ EXISTING STOP ELEVATION  
 ○ EXISTING CONTOUR  
 ○ PROPOSED CONTOUR  
 ○ RUNOFF DIRECTION  
 ○ TRAFFIC FLOW

TRAMPOLINE CENTER

SCALE: 1" = 20'

NOVEMBER 26, 2019

REVISED: DECEMBER 30, 2019 (MOVE PROPOSED BUILDING ETC)

REVISED: JANUARY 23, 2020 (ADD GREASE TRAP, NOTES ETC)

STEPHEN A. HAAS, P.E.

293 Cranview Road  
Brewster, MA 02633  
(508) 367-1699



10 20 40  
1/24/2020

RECEIVED  
JAN 27 2020  
TOWN CLERK  
Town of Harwich,  
Mass.



SCANNED



# DESIGN CRITERIA:

RESTAURANT FLOOR:  
DESIGNATION USE: FAST FOOD. 16 SEATS  
20 GALL/SEAT - 350 GPD. USE 1000 GPD/MIN  
GREASE TRAP REQUIRED:  
NONE. ICE CREAM & SMOOTHIES ONLY  
NO COOKING ON PREMISES.

2 COMPARTMENT SEPTIC TANK REQUIRED:  
1000 GPD X 2000 - 2000 GAL 1+1 COMP  
3000 GALLON 2 COMPARTMENT TANK  
USE 3000 GALLON 2 COMPARTMENT TANK

SOIL ADOPTION SYSTEM REQUIRED:  
DESIGN PERC RATE 1/4" MIN/INCH  
SOIL TEXTURAL CLASS - A  
EFFLUENT LOADING RATE - 0.74 GPD/SF  
EFFLUENT LOADING RATE - 0.74 GPD/SF - 1531 S.F. REQUIRED

PROVIDED: 37' X 74' LEACH FIELD  
A - 1530 S.F. X 0.74 - 1013 GPD



**BOUOYANCY CALCULATIONS:**

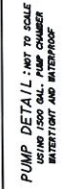
SEPTIC TANK: DISPLACEMENT =  $(4.1 \times 0.7) \times 16.5 \times 7.5 = 421 \text{ C.F.}$   
421 C.F.  $\times 62.4 \text{ w/C.F.} = 26255\text{w.}$  H-20 TANK = 31602w OK

PUMP CHAMBER: DISPLACEMENT =  $(4.1 \times 0.6) \times 10 \times 6 = 210 \text{ C.F.}$   
210 C.F.  $\times 62.4 \text{ w/C.F.} = 13104\text{w.}$  H-20 TANK = 13966w OK

PUMP CHAMBER: DISPLACEMENT -  $(4.1 - 0.6) \times 10 \times 6 = 210 \text{ C.F.}$   
210 C.F.  $\times 62.4 \text{ lb/C.F.} = 13104 \text{lb. H-20 TANK} = 13966 \text{ lb OK}$

**PUMP SYSTEM NOTES:**

1. DUPLICATE PUMPS TO BE EITHER REMISE PUMP MODEL 50MM OR EQUAL.
2. PUMPS MUST OPERATE IN THE FOLLOWING SEQUENCE:
  - A. PUMPS OFF
  - B. REMISE PUMP (L) PUMP ON
  - C. REMISE PUMP (R) PUMP ON
  - D. PUMPS MUST ALTERNATE.
3. THE PUMP SHALL BE INSTALLED IN STRICT CONFORMANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND TITLE V REGULATIONS. THE PUMP SHALL BE DISCHARGED INTO A 2" DRAIN. THE PUMP SHALL BE ABLE TO BE DISCONNECTED AND LIFTED OUT OF THE PUMP CHAMBER WITHOUT HAVING TO ENTER THE PUMP CHAMBER.
4. THE ALARM SHALL START AT THE ELEVATION SHOWN AND BE POWERED BY A CIRCUIT SEPARATE FROM THE PUMP POWER.
5. AN ELECTRICAL PERMIT MUST BE OBTAINED FOR THIS INSTALLATION.



**PUMP DETAIL: NOT TO SCALE  
USING 1500 GAL. PUMP CHAMBER  
WATERTIGHT AND WATERPROOF**

INVERT ELEVATIONS:	
INVERT AT BUILDING:	5.7
INVERT AT SEPTIC TANK:	5.5
INVERT OUT SEPTIC TANK:	5.25
INVERT IN PUMP CHAMBER:	5.15
INVERT OUT PUMP CHAMBER:	5.15
INVERT IN LEACH FIELD:	9.6
INVERT END LEACH FIELD:	9.1
BOTTOM LEACH FIELD:	9.8
INVERT 3" MANIFOLD:	6.6
ADJUSTED GROUND WATER:	4.1
OBSERVED TEST HOLE # 1:	2.8
BOTTOM OF TEST HOLE # 2:	
INDEX WELL TSW 89, ZONE A	
NOVEMBER 2019 READING 11.5", ADJ-1.3"	

INDEX WELL TSW 89, ZONE A  
NOVEMBER 2019 READING-11.5". ADJ-1.3"

INDEX WELL IS# 89, ZONE A  
NOVEMBER 2019 READING-11.5'. ADJ-1.3'

**SITE PLAN OF LAND**  
296 ROUTE 28, MAP 12, PARCEL HI-0  
**WEST HARWICH, MA.**

PREPARED FOR:

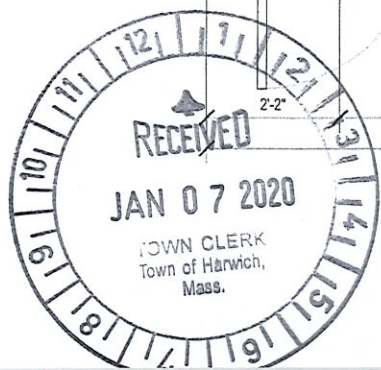
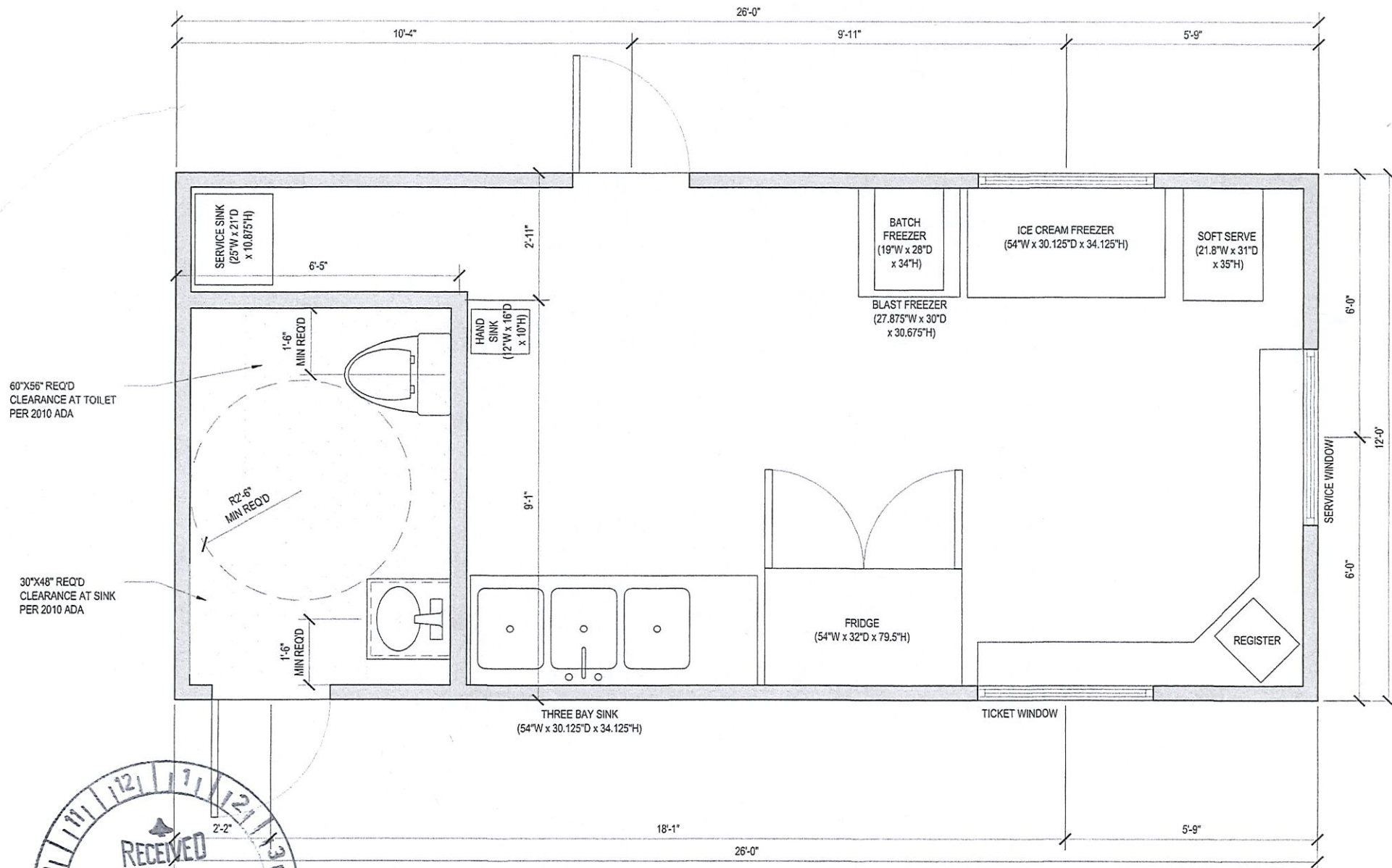
TRAMPOLINE CENTER

SCALE: AS NOTED DECEMBER 30, 2019

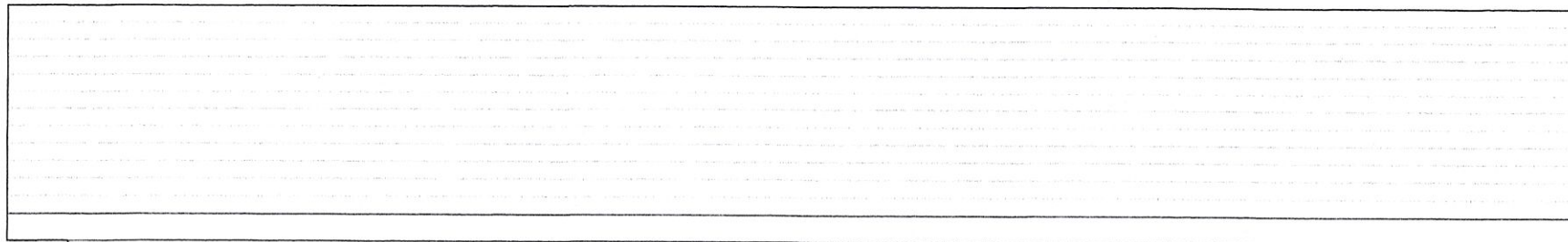
STEPHEN A. HAAS. PE

293 Cranview Road  
Brewster, MA 02631  
(508) 367-1691





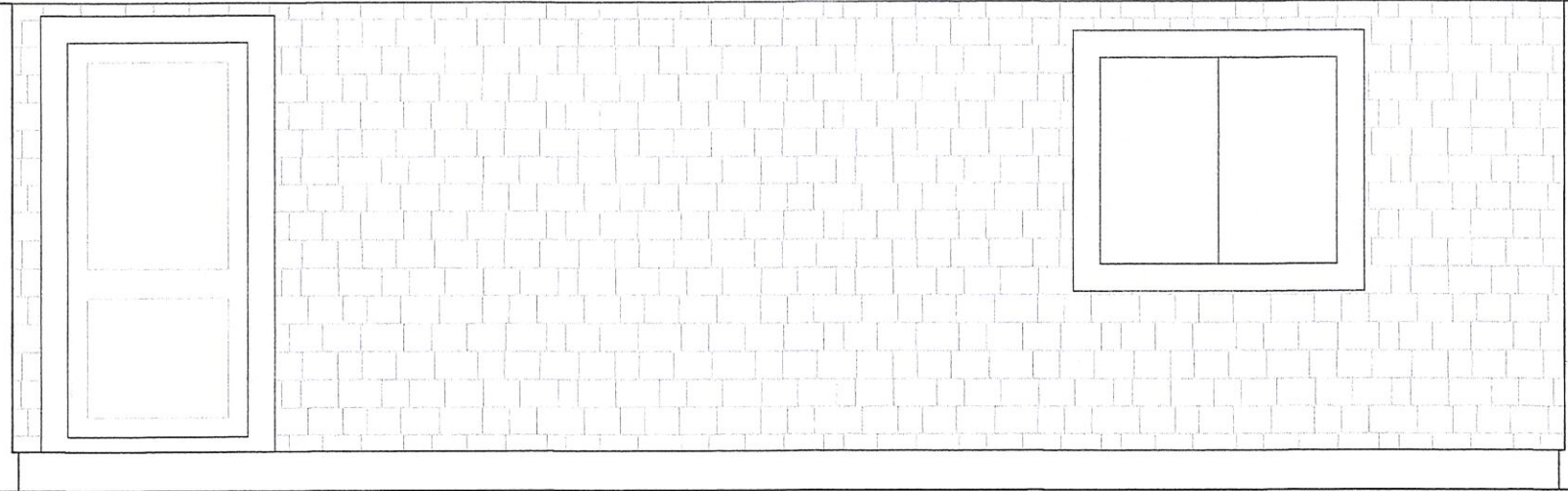
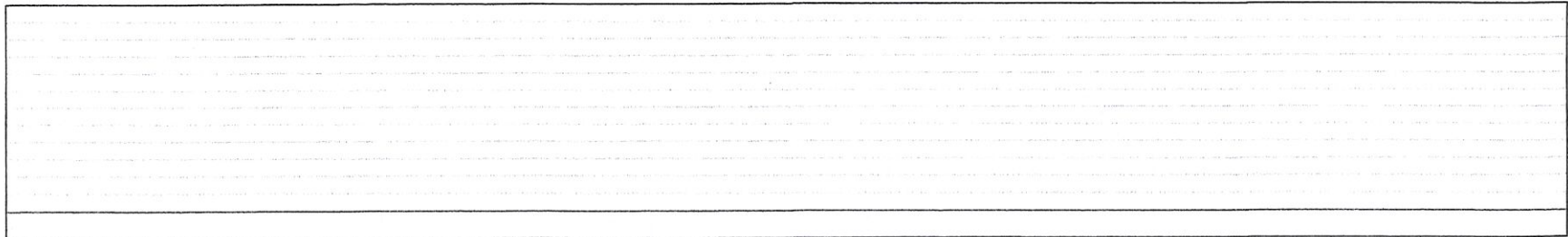
SNACK SHACK 1/6/2020



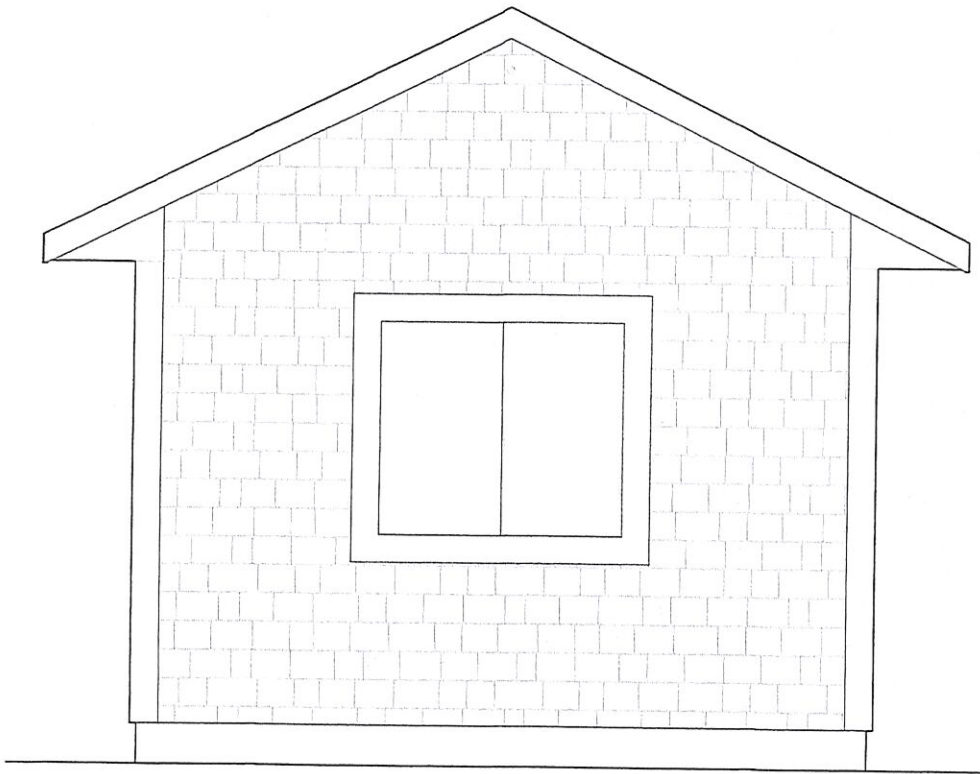
NORTH ELEVATION

NATURAL WHITE CEDAR SHINGLES  
WHITE TRIM, SLATE GREY ROOF

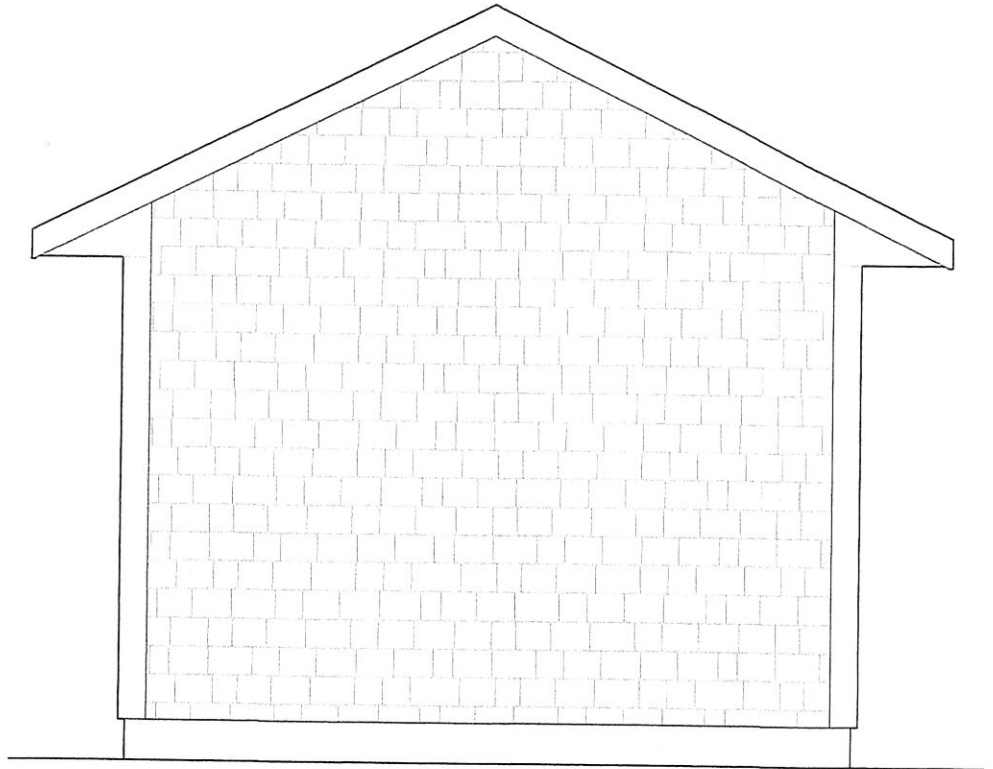




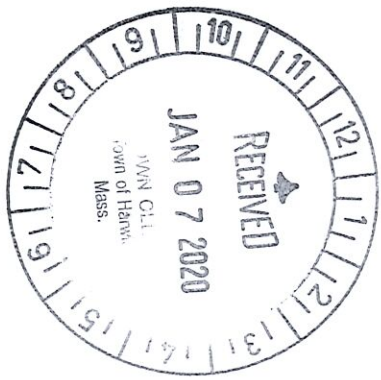
SOUTH ELEVATION



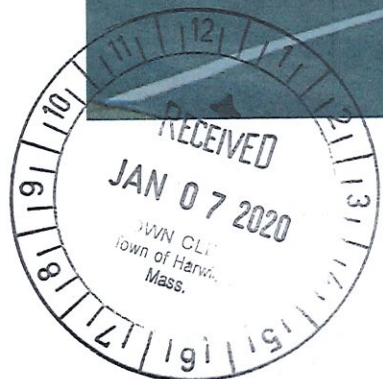
EAST ELEVATION



WEST ELEVATION









**AGENDA ITEM # ~~XXX~~ II.B**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: February 3, 2020  
Re: Staff Report – Site Plan Review Special Permit & Use Special Permit

**PB2020-02 Steve Gopoyan & Swavi Osev**, as applicant/tenant, c/o Andrew Singer, Esq., 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.

The Planning Board will hold a public hearing at the Tuesday, February 11, 2020 meeting no earlier than at 6:30 p.m. **Certified Mail Receipts showing notification to abutters must be received before the Board can proceed with the hearing.**

**Description**

The applicant seeks two approvals for the same property at 0 Sisson Road and 346 Route 28. The first is a Site Plan Review Special Permit for the construction of a miniature golf course just north of the existing Bud's Go Karts recreation use and associated parking and an existing Antique Shop. The second is a Use Special Permit for an outdoor recreation use – the miniature golf use. The application was filed with the Town Clerk on January 7, 2020 with revised plans and information submitted on January 29, 2020 and February 3, 2020 and include the following:

1. Form A – Special Permits & Site Plan Review dated January 7, 2020
2. Municipal Lien Certificates
3. A narrative date received January 7, 2020
4. A Waiver Request letter from Moran Engineering Assoc., LLC, dated January 6, 2020
5. Stormwater Management Parking & Walkways Drainage Calculations, prepared by Moran Engineering Assoc., LLC, dated January 6, 2020; and revised Stormwater Management Parking & Walkways Drainage Calculations, prepared by Moran Engineering Assoc., LLC, dated January 29, 2020
6. A Summary of Reasoning, prepared by Attorney Andrew Singer, receive stamp date February 3, 2020
7. Project Benefit List, receive stamp date February 3, 2020
8. A set of Plans prepared by Moran Engineering Assoc., LLC, for 345 Route 28 & 0 Sisson Rd., Harwich, MA as follows:



- a. Sheet 1 – Existing Conditions Site Plan, Prepared for Swavi Osev and S&E, LLC, dated 1/6/20, Scale 1" = 40'
- b. Sheet 2 – Proposed Site Plan for Miniature Golf Course, Prepared for S & S Amusement, LLC, dated 1/6/20, Rev. 1/29/20, Scale 1" = 40'
- c. Sheet 3 – Proposed Detail Plan for Miniature Golf Course, Prepared for S & S Amusement, LLC, dated 1/6/20, Rev. 1/29/20, Scale 1" = 40'
- d. Miniature Golf Course Overlay, dated 12/20/19, Scale 1" = 80'
9. Landscape Design for Harwich Mini Gold c/o Swavi Osev, 346 Route 38, Harwich, MA, Scale 1" = 20', Date: Dec 18, 2019 Rev Jan 6, 2020, prepared by Shannon Goheen, Second Nature Gardenworks
10. Set of Plans from Castlegolf, prepared for Swavi Osev, as follows:
  - a. Sheet No. C-1A, Mini-Golf Layout, dated 12-12-2019 (no scale)
  - b. Sheet No. C-1, Mini-Golf Layout, dated 1-28-20, scale 1" = 10' (no graphic scale)
  - c. Sheet E-1, Mini-Golf Lighting Layout, dated 1-17-20, scale 1" = 20' (no graphic scale)
  - d. Sheet G-1, Proposed Grading and Contours, dated 1-28-20, scale 1" = 10' (no graphic scale)
  - e. Sheet S-1, Mini-Golf Site Plan and Theme, dated 1-28-20, scale 1" = 20' (no graphic scale)
11. Apex Lighting Solutions Plan, Harwich Miniature Golf, Preliminary Parking lot Lighting, dated 01/08/2020, (no scale), Sheet L-1
12. Set of building plans (ticket booth), by Designs by Frank D. Ciambriello, for S & S Amusements LLC, 346 Route 28 – Sisson Road, Harwich, dated 2-1-20 as follows:
  - a. Elevations (front, rear, right, left), scale ¼" = 1'-0", Dwg. No. 1 of 4
  - b. Foundation Plan, scale ½" = 1'-0", Dwg. No. 2 of 4
  - c. Floor Plan, scale ½" = 1'-0", Dwg. No. 3 of 4
  - d. Section AA, scale ½" = 1'-0", Dwg. No. 4 of 4

### **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 the review:

- Recreation, Outdoor pursuant to §325-13 (Use Table) Paragraph IV.30 and §325-51
- Site Plan Review Special Permit pursuant to §325-55. Please note that 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 a portion of the site is located within the FEMA Flood Plain pursuant to §325-107; which does not require Planning Board approval.

### **Waivers**

The following waiver is requested (explanation provided in *italics*):

1. Waiver is requested for 7 parking spaces. *Required parking is 90 spaces, proposed parking is 83 spaces. A proposed reserve area is delineated on the site plan which will provide for 8 additional parking spots. The applicants request to keep this reserve area as grass area until a time that the parking is needed.*

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

**Health:** The septic system was originally designed for a restaurant with go-cart track with a design flow of 1602 gallons per day. As the restaurant is no longer in use, the septic is appropriately designed for the added flow from a miniature golf course.

The Health Department has no concerns with the change in use, but will require a passing Title 5 inspection prior to Building Permit approval.

**Fire:** No concerns. Great use of the land, great plan.

**Building:** No Concerns.

**Police:** Deputy Considine attended the initial meeting at Town Hal regarding this project. Traffic enter/exit area was discussed and has been noted on this plan.

**Conservation:** Received approval RDA 2019-25. Switch out Tupelos for more appropriate species. No use of fertilizers, herbicides, pesticides.

**Engineering:** Please refer to Planning Staff Comments below. The site will require a Stormwater Discharge Permit.

#### **Planning Staff Comments**

1. Town Staff met with the applicant for an initial review prior to file applications with the Town.
2. The Town Engineer and Town Planner met to review this application and plans on January 14, 2020. A list of questions/concerns was provided to Attorney Andrew Signer and Daniel Croteau, P.E. on January 17<sup>th</sup>. Staff then met with Mr. Croteau and the applicants on January 23<sup>rd</sup>. Revised plans were submitted as noted above. Many questions/concerns were addressed.
3. The proposed miniature golf and related parking does cross a lot line. The parcels should be combined prior to the commencement of any work on the property. In the alternative, an easement may be in order.
4. The rear portion of the property is located within the R-M Zoning District. A use variance will be required through the Zoning Board of Appeals.
5. Any signage will require a Sign Permit from the Building Department.
6. The waiver requested is reasonable. §325-44.D provides for a reserved area for parking through the site plan review. The bylaw provides that *“It is the responsibility of the applicant to provide documentation showing that the proposed use of the property does not require the number of spaces listed under § 325-39A. Plans shall incorporate and detail all design aspects of the reserve parking area. As it is the intent of this special delineation to preserve as much of the site's natural state as possible, the proposed reserve area shall be dedicated for parking only. In any case in which the Board permits an applicant to create a reserve parking area, in lieu of development of the required parking area, then the Board shall require, as a condition of approval, that the resulting site plan special permit shall be reviewed on a periodic basis in order to monitor the adequacy of the constructed parking and the need to construct all or a portion of the reserve area. After such review, if appropriate, the Board may require that all or a portion of the reserve area be actually constructed.”*

7. Several conditions are recommended, including but not limited to:
  - a. 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.
  - b. The necessary relief from the Zoning Board of Appeals shall be required.
  - c. This Site Plan Special Permit shall be reviewed on a periodic basis in order to monitor the adequacy of the constructed parking and the need to construct all or a portion of the reserve area. The Planning Board may, after notifying the owner/applicant and after a duly notice public meeting, require that all or a portion of the reserved parking area be constructed.
  - d. Prior to commencement of any work on the subject site, the two parcel shall either be combined by an Approval Not Required Plan or an Easement Agreement shall be executed. Neither document shall be valid nor work commence until said document is recorded at the Barnstable County Registry of Deeds and a copy of said document is filed with the Harwich Town Clerk and the Harwich Planning Board.
  - e. Conservation restrictions shall be adhered to.
  - f. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
  - g. Lighting shall comply with the requirements of the Code of the Town of Harwich.
  - h. Any changes to the site plan, other than those resulting from MassDOT review and approval, shall be subject to further Planning Board review and approval.
  - i. This decision shall be recorded at the Barnstable Registry of Deeds prior to the issuance of a building permit.
  - j. 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.
8. As of February 4, 2020, one letter was received.
9. 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.

## **BOARD VOTE**

### **Continuance**

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

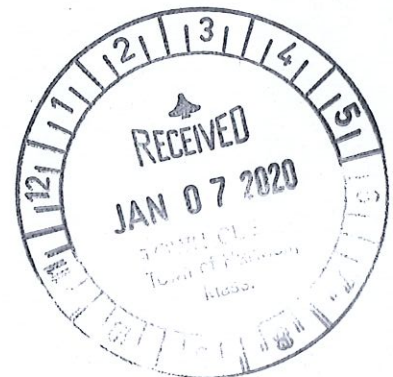
Move to continue the hearing for **PB2020-02 Steve Gopoyan & Swavi Osev**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *Feb. 25, March 10, March 24*) for the following reason(s): *Need to provide reasons for the continuance...additional information.*

## **Town of Harwich Planning Board**

Petitioners: Steve Gopoyan and Swavi Osev  
Owner: Andrew Hall, Successor Trustee of the Emulous Hall Realty Trust  
Property: 0 Sisson Road and 346 Route 28, Harwichport, MA

The Petitioners are seeking a Use Special Permit and Site Plan Review Special Permit in accordance with Sections 325-13, Table 1, 325-51, and 325-55 of the Harwich Zoning By-Law ["Zoning By-Law"] and M.G.L. Chapter 40A, Section 9, in order to redevelop a previously-disturbed and commercially-used portion of the property located in two zoning districts, in connection with a seasonal, miniature golf course, as shown on the submitted plans.

The property is split-zoned with commercial land in the front and residential land in the rear. The proposed use is allowed by special permit in the commercially-zoned portion of the land. Relief has been requested from the Zoning Board of Appeals to redevelop the commercially-used, residential portion of the land. Site coverage and building coverage will be conforming. Lighting will comply with the Town of Harwich lighting regulations. The proposed location of the redevelopment will allow more environmentally-sensitive land in the front of the property to be better protected. Parking and landscape buffers will be conforming. Access, curb cuts, driveways, parking, and drainage will all be upgraded from existing conditions.



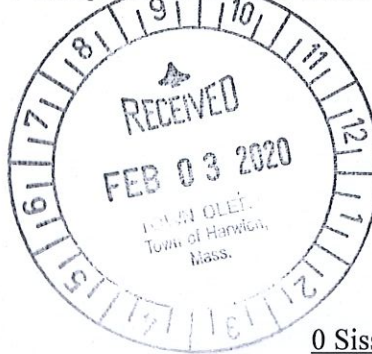
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Of Counsel

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Harwich Planning Board

0 Sisson Road & 346 Route 28, Harwichport

## Summary of Reasoning

Steve Gopoyan and Swavi Osev [collectively "Applicants"] are seeking permission to redevelop a portion of the property owned by Andrew Hall, Successor Trustee of the Emulous Hall Realty Trust, at 0 Sisson Road and 346 Route 28, Harwichport [collectively "Property"]. The Property, which is shown as Parcels N2-0 & N1-0 on Harwich Assessors Map 21, is located in the CH-1 & RM Zoning Districts and consists of one parcel of vacant, developable, commercial land and one split-zoned parcel improved with a pre-existing, nonconforming retail building, a go-kart track, outside storage (boat, vehicle, trailer, and soils and other materials), and improved and unimproved parking areas. The retail building and go-kart track, neither of which are proposed to be affected by the proposed redevelopment, are located in the commercial CH-1 zoning district. The outside storage and portions of the unimproved parking areas are located in the RM Zoning District. The outside storage has historically included the bringing and removal of soils and other materials to the large cleared portion of the Property that is located predominantly in the residential district.

The commercial use of the residential portion of the Property and the parking areas, access, and buffers are all pre-existing nonconforming. The Applicant's proposal includes redeveloping the previously-disturbed and commercially-used portion of the Property located in two zoning districts, in connection with a seasonal, miniature golf course. The outside storage use of the Property will cease, and the parking areas will be expanded and improved. The existing, dense vegetated buffer in the rear of the



Property will be preserved and enhanced. While the proposed use is allowed by Planning Board special permit in the commercially-zoned portion of the land, it also requires a variance from the Board of Appeals to redevelop the rear portion of the disturbed land that is in the residential zone. We met with the Board of Appeals in January and were continued to the Board's late February meeting. A number of the questions raised in connection with the relief requested involve matters reviewed by the Planning Board under site plan review and are discussed herein. Conservation Commission review has already been completed.

The Petitioners are thus seeking a Use Special Permit and Site Plan Review Special Permit in accordance with Sections 325-13, Table 1, 325-51, and 325-55 of the Harwich Zoning By-Law ["Zoning By-Law"] and M.G.L. Chapter 40A, Section 9, to complete the redevelopment as shown on the submitted plans. The Planning Board is authorized to grant use special permits when it finds that the use as developed will not adversely affect the neighborhood, the site is appropriate for the use, there will be no nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided for the proper operation of the use. The Planning Board approves site plan review special permits when they meet the requirements of the Zoning By-Law and the Planning Board's Rules and Regulations.

The Applicants respectfully submit that the required special permit criteria are met in this instance and that the redeveloped site will be a benefit to the neighborhood and community and advance the purposes of the Zoning By-Law because:

1. The portion of the Property to be redeveloped has for many decades been cleared and used for storage of boats, vehicles, and trailers as well as soil and other materials that were brought onto and removed from the Property over time, and the proposal will remove all of this year-round use;
2. There will be a net decrease in the square footage of the Property used for outside commercial space in both zoning districts as a result of the redevelopment, and more of

- the use will be shifted to the commercial CH-1 Zoning District out front and less in the residential RM Zoning District that the historical development pattern of the Property;
3. The extensive, existing wooded area rising along the hill at the rear of the Property in the RM Zoning District will be retained in its existing, natural setting as a buffer to the residential condominiums to the rear along both Harold Street and Doane Road. In addition, a portion of the cleared land used for long-term commercial storage will be revegetated to deepen the buffer, and an additional green screen of new trees will be planted around the rear of the golf course;
  4. There is a flood plain located at the front of the Property with the land sloping up away from Sisson Road back to the high point at the rear of the Property. The proposal locates about two-thirds of the constructed portion of the seasonal miniature golf course in the residential portion of the Property in order to keep it farther away from the flood plain portion of the land. This lessens the change for property damage in flood events. The Harwich Conservation Commission has reviewed and approved the proposal determining that the redevelopment is advantageous to the environment;
  5. The proposed redevelopment will also result in improved protection of the more environmentally-sensitive portion of the Property by upgrading and enhancing stormwater management;
  6. As was presented to the Board of Appeals, designing the redevelopment as proposed with the improvements and reductions in scope inside the existing commercially-used portion of the rear land will result in less activity in the more environmentally-sensitive portions of the front of the land and will lead to significant enhancements to the buffer in the rear on the previously-disturbed land;
  7. Front, side, and rear yard setbacks will remain conforming;
  8. Site coverage and building coverage will remain conforming;
  9. Parking and landscape buffers, which do not exist today, will each become conforming;



10. Access, curb cuts, driveways, and drainage will all be upgraded from existing conditions. Specifically, as a result of talks during Town Department Head Review, including the Police Department, access from Sisson Road for both the proposal and the existing go-kart business is to be upgraded and channelized better to improve flow onto and from the Property. This was noted at the meeting as being a positive improvement and benefit. The Police Officer at the meeting also commented that one of the Town's goals is to ultimately remove the island in Sisson Road that is the cause of so much headache. The existing curb cut onto Harold Street in the commercial CH-1 zone will be maintained;
11. Parking will be shared with the other uses on the site. This eliminates the need for additional curb cuts onto Town roads here or elsewhere. The Applicants are requesting a waiver from the Planning Board to allow eight (8) of the required parking spaces to be held in reserve and remain as grassed area unless needed in the future. If there is no need to create more physical parking and it can left green, the Applicants believe that this is a benefit;
12. The proposal will be in keeping with and compatible with the character of the neighborhood. The intensity of the proposed seasonal use will be much less than what might otherwise be allowed under the Zoning By-Law in the CH-1 zone. Such year-round uses include restaurants, retail stores, repair facilities, and marine uses. Patrons to the site will now be able to spend longer at this property with multiple uses, rather than moving as frequently from one recreational activity property to others in Town;
13. Lighting will comply with the Town of Harwich lighting regulations, and there will be no negative change in artificial light, noise, litter, and odor. The Condominium properties to the rear beyond the natural buffer are located at the crest of the hill above the site of the proposed redevelopment. Since the proposed lighting will be shielded and dark-sky compliant, there will be no negative impact to the neighbors. Photometric plans have been submitted demonstrating that light will be contained on site as required. The



proposed structural features of the golf course, the lower elevation, and the natural and proposed screening will all prevent additional noise impacts to the neighborhood; and

14. The proposal is for a seasonal use on a piece of land that already contains similar, seasonal, recreational uses and will not create any nuisance, hazard or congestion or any harm to the neighborhood or neighboring properties.

For all of the above reasons, the Petitioners respectfully request that the Planning Board make findings that the statutory criteria for the requested relief are met and grant a Use Special Permit and Site Plan Review Special Permit to allow the redevelopment to be completed as shown on the submitted plans.

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Harwich Planning Board

0 Sisson Road & 346 Route 28, Harwichport

## PROJECT BENEFITS LIST

- Eliminate Long Time, Year-Round, Commercial Storage of Boats, Vehicles, and Trailers as well as Soil and Other Materials from Residentially-Zoned Portion of Property
- Replacement Use Will Be Seasonal May to September Located on Land that Already Contains Similar, Seasonal, Recreational (Go-Karts) Use
- Net Decrease of Commercial Use in Residentially-Zoned Portion of Property
- Protect Flood Plain Located at Front of Property Along Sisson Road
- Expanded and Enhanced Vegetated and Forested Buffer to Abutters at Top of Rear Hill
- Full Shielded and Dark-Sky Compliant Lighting Set Below Top of Rear Hill
- Improve Main Entrance on Sisson Road to Channelized Flow to and from Property
- Compliance with All Dimensional Setback Requirements of Zoning By-Law
- Compliance with All Building and Site Coverage Requirements of Zoning By-Law
- Provide Enhanced and Upgraded Stormwater Management
- Provide Enhanced Landscaping and Parking Buffers

# MORAN ENGINEERING ASSOC., LLC

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

Daniel P. Croteau, PE  
Richard Judd, RS

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

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

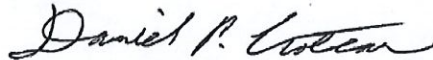
January 6, 2020

Ref: **346 Route 28, 0 Sisson Rd**  
Harwich Port, MA  
Applicant: S & S Amusements, LLC

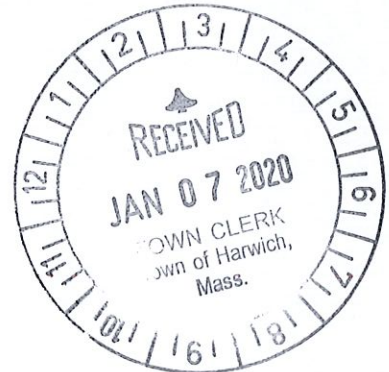
## Waiver Request

Waiver is requested for 7 parking spaces. Required parking is 90 spaces, proposed parking is 83 spaces. A proposed reserve area is delineated on the site plan which will provide for 8 additional parking spots. The applicants request to keep this reserve area as grass area until a time that the parking is needed.

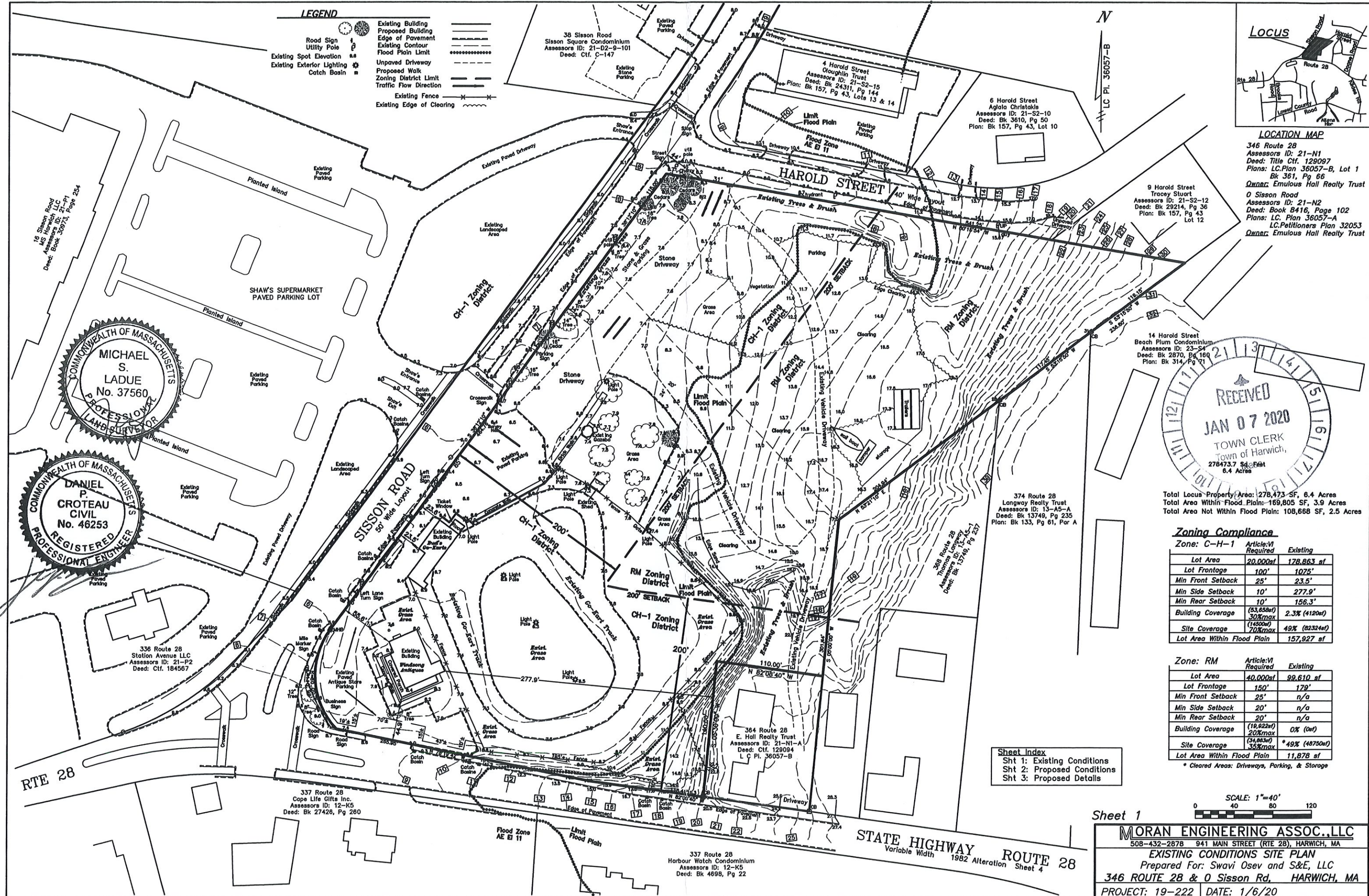
Sincerely,



Daniel Croteau, PE







**LEGEND**

- Existing Building
- Proposed Building
- Edge of Pavement
- Existing Contour
- Flood Plain Limit
- Unpaved Driveway
- Proposed Walk
- Zoning District Limit
- Traffic Flow Direction
- Existing Fence
- Existing Edge of Clearing
- Road Sign
- Utility Pole
- Existing Spot Elevation
- Existing Exterior Lighting
- Catch Basin

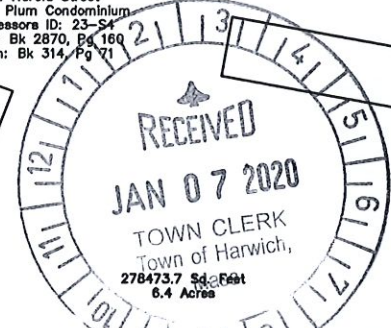
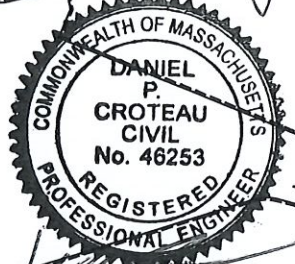
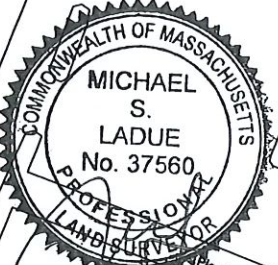
**LOCUS**



**LOCATION MAP**

346 Route 28  
Assessors ID: 21-N1  
Deed: Title Ctf. 129097  
Plans: LC Plan 36057-B, Lot 1  
Bk 361, Pg 66  
Owner: Emulous Hall Realty Trust

0 Sisson Road  
Assessors ID: 21-N2  
Deed: Book 8416, Page 102  
Plans: LC Plan 36057-A  
LC Petitioners Plan 32053  
Owner: Emulous Hall Realty Trust



Total Locus Property Area: 278,473 SF, 6.4 Acres  
Total Area Within Flood Plain: 169,805 SF, 3.9 Acres  
Total Area Not Within Flood Plain: 108,668 SF, 2.5 Acres

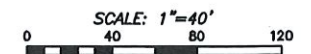
**Zoning Compliance**

Zone: C-H-1	Article VI Required	Existing
Lot Area	20,000sf	178,863 sf
Lot Frontage	100'	1075'
Min Front Setback	25'	23.5'
Min Side Setback	10'	277.9'
Min Rear Setback	10'	156.3'
Building Coverage	(53,650sf) 30%max	2.3% (4120sf)
Site Coverage	(14500sf) 70%max	49% (82324sf)
Lot Area Within Flood Plain		157,927 sf

Zone: RM	Article VI Required	Existing
Lot Area	40,000sf	99,610 sf
Lot Frontage	150'	179'
Min Front Setback	25'	n/a
Min Side Setback	20'	n/a
Min Rear Setback	20'	n/a
Building Coverage	(19,922sf) 20%max	0% (0sf)
Site Coverage	(34,863sf) 35%max	* 49% (48750sf)
Lot Area Within Flood Plain		11,878 sf

\* Cleared Areas: Driveways, Parking, & Storage

**Sheet Index**  
Sht 1: Existing Conditions  
Sht 2: Proposed Conditions  
Sht 3: Proposed Details



Sheet 1

**MORAN ENGINEERING ASSOC., LLC**  
508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA  
**EXISTING CONDITIONS SITE PLAN**  
Prepared For: Swavi Osew and S&E, LLC  
346 ROUTE 28 & 0 Sisson Rd, HARWICH, MA  
PROJECT: 19-222 DATE: 1/6/20

**STATE HIGHWAY ROUTE 28**  
Variable Width 1982 Alteration Sheet 4

337 Route 28  
Harbour Watch Condominium  
Assessors ID: 12-K5  
Deed: Bk 4698, Pg 22

364 Route 28  
E. Hall Realty Trust  
Assessors ID: 21-N1-A  
Deed: Ctf. 128094  
LC Pl. 36057-B

374 Route 28  
Longway Realty Trust  
Assessors ID: 13-A5-A  
Deed: Bk 13749, Pg 235  
Plan: Bk 133, Pg 61, Par A

14 Harold Street  
Beach Plum Condominium  
Assessors ID: 23-S4  
Deed: Bk 2870, Pg 160  
Plan: Bk 314, Pg 71

9 Harold Street  
Tracey Stuart  
Assessors ID: 21-S2-12  
Deed: Bk 29214, Pg 36  
Plan: Bk 157, Pg 43, Lot 12

6 Harold Street  
Aglaia Christakis  
Assessors ID: 21-S2-10  
Deed: Bk 3610, Pg 50  
Plan: Bk 157, Pg 43, Lot 10

4 Harold Street  
O'Doughlin Trust  
Assessors ID: 21-S2-15  
Deed: Bk 24311, Pg 144  
Plan: Bk 157, Pg 43, Lots 13 & 14

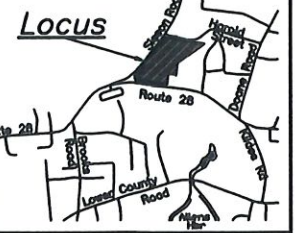
38 Sisson Road  
Sisson Square Condominium  
Assessors ID: 21-D2-9-101  
Deed: Ctf. C-147

336 Route 28  
Station Avenue LLC  
Assessors ID: 21-P2  
Deed: Ctf. 184567

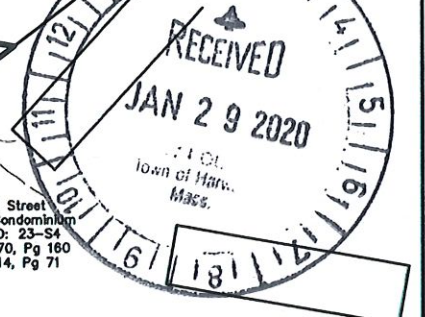
337 Route 28  
Cape Life Gifts Inc.  
Assessors ID: 12-K5  
Deed: Bk 27426, Pg 260



- LEGEND**
- Existing Trees
  - Road Sign
  - Utility Pole
  - Wheel Stop
  - Existing Spot Elevation
  - Proposed Spot Elevation
  - Existing Exterior Lighting
  - Catch Basin
  - Landscape Islands
  - Existing Building
  - Proposed Building
  - Edge of Pavement
  - Existing Contour
  - Proposed Contour
  - Flood Plain Limit
  - Septic System SAS
  - Exist. Unpaved Driveway
  - Proposed Stone Parking
  - Proposed Walk
  - Zoning District Limit
  - Traffic Flow Direction
  - Existing Fence
  - Existing Edge of Clearing



**LOCATION MAP**  
346 Route 28  
Assessors ID: 21-N1  
Deed: Title Ctf. 129097  
Plans: LC Plan 36057-B, Lot 1  
Bk 361, Pg 66  
OWNER: Emulous Hall Realty Trust  
0 Sisson Road  
Assessors ID: 21-N2  
Deed: Book-8416, Page 102  
Plans: LC Plan 36057-A  
LC Petitioners Plan 32053  
OWNER: Emulous Hall Realty Trust



**Off-Street Parking Schedule**  
Sect. 1X.325-39 & Sect. 208-2

REQUIRED	Min Req.	Calc.	Required
Miniature golf course	1 per employee	3 employees	3 spaces
	1 per 2 patrons	36holes x3 /2	54 spaces
Go-Kart Track	1 per employee	3 employees	3 spaces
	1 per 2 patrons	15karts x4 /2	30 spaces
<b>Total</b>			<b>90 spaces</b>
Accessible Spaces	4 per 100 spaces	4 spaces	4 spaces

**PROPOSED**  
Parking Proposed On-Site: 83 spaces  
Accessible Parking Proposed On-Site: 5 accessible spaces  
Reserve Parking Location: 8 spaces

**Interior Landscaping**  
Parking, Maneuvering Lane, & Interior Landscaping  
Total Area = 31870 sf  
Interior Landscaping = 3195 sf = 10% of Total

**Zoning Compliance**  
Zone: C-H-1

Article:VI Required	Existing	Proposed
Lot Area	20,000sf	178,863 sf
Lot Frontage	100'	1075'
Min Front Setback	25'	23.5'
Min Side Setback	10'	277.9'
Min Rear Setback	10'	156.3'
Building Coverage	(33,658sf) 30%max	2.3% (4120sf)
Site Coverage	(14800sf) 35%max	49% (8232sf)
Lot Area Within Flood Plain	157,927 sf	

\* New ticket/restroom building  
\*\* Includes existing and new coverages & reserve parking area (total golf layout area in CH-1 zone considered site coverage)

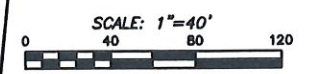
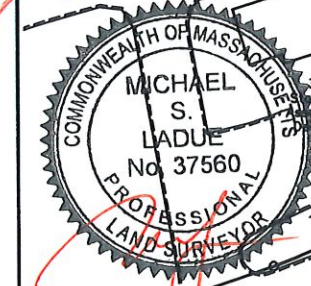
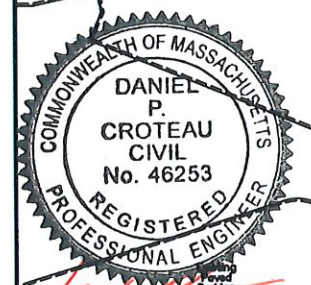
**Zone: RM**

Article:VI Required	Existing	Proposed
Lot Area	40,000sf	99,610 sf
Lot Frontage	150'	179'
Min Front Setback	25'	n/a
Min Side Setback	20'	n/a
Min Rear Setback	20'	n/a
Building Coverage	(19,822sf) 20%max	0% (0sf)
Site Coverage	(34,863sf) 35%max	*49% (48750sf)
Lot Area Within Flood Plain	11,878 sf	**35% (34850sf)

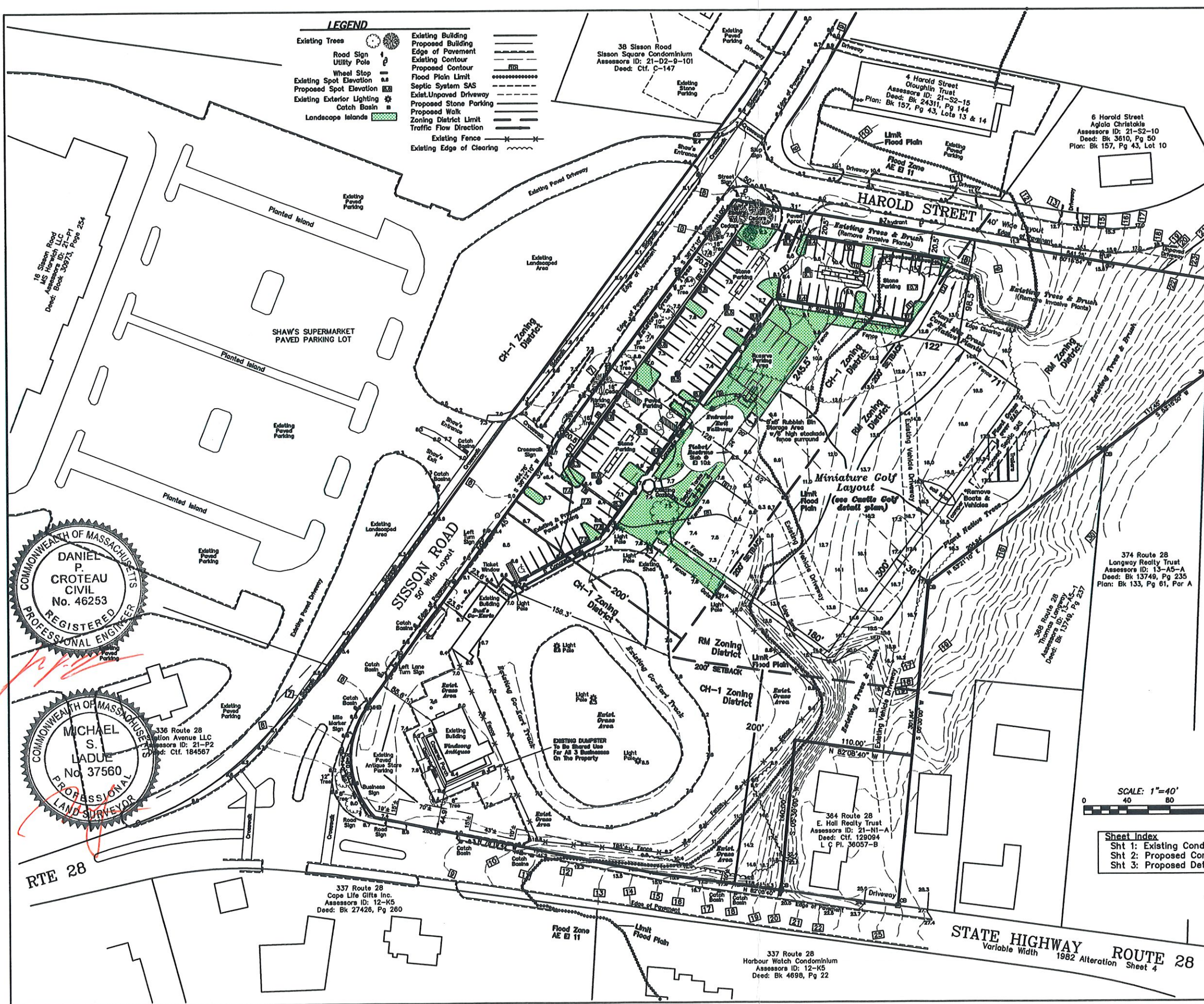
\* Cleared Areas: Driveways, Parking, & Storage  
\*\* Landscape structures are included as site coverage.  
(total golf layout area in RM zone considered site coverage)

Sheet 2

**MORAN ENGINEERING ASSOC., LLC**  
508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA  
PROPOSED SITE PLAN for MINIATURE GOLF COURSE  
Prepared For: S & S Amusements, LLC  
346 ROUTE 28 & 0 Sisson Rd, HARWICH, MA  
PROJECT: 19-222 DATE: 1/6/20, Rev: 1/29/20



**Sheet Index**  
Sht 1: Existing Conditions  
Sht 2: Proposed Conditions  
Sht 3: Proposed Details





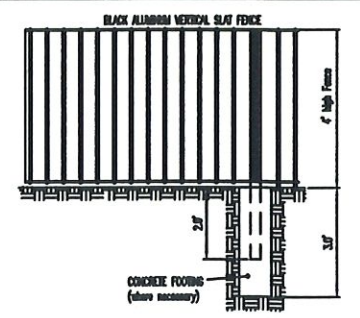
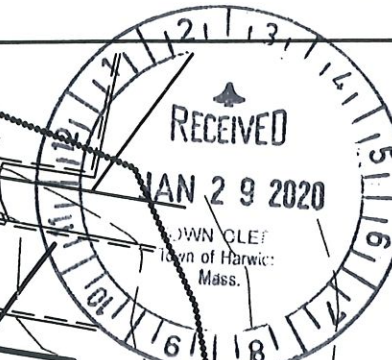
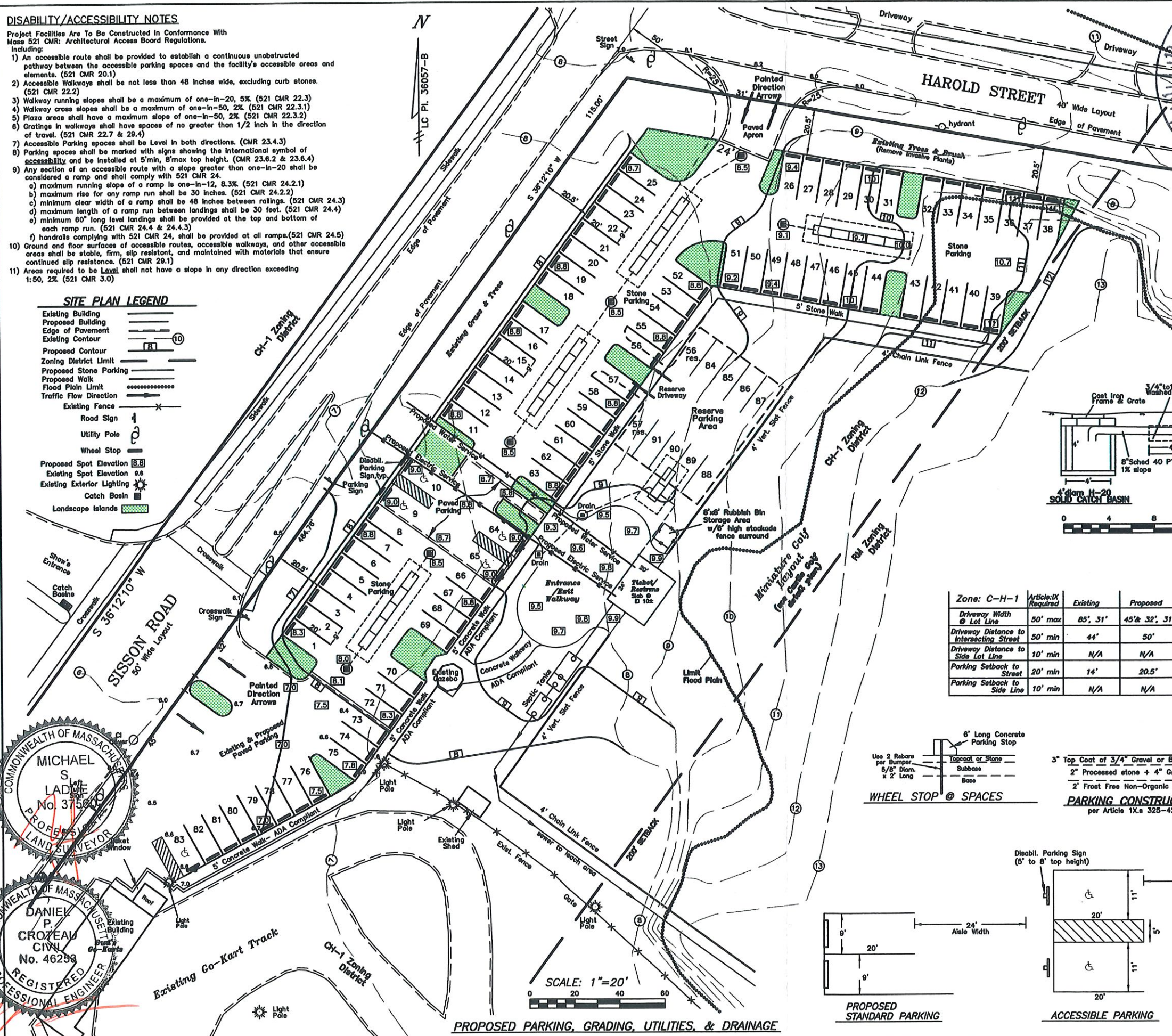
# DISABILITY/ACCESSIBILITY NOTES

Project Facilities Are To Be Constructed In Conformance With  
Mass 521 CMR: Architectural Access Board Regulations.  
Including:

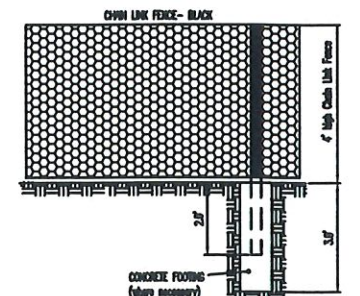
- 1) An accessible route shall be provided to establish a continuous unobstructed pathway between the accessible parking spaces and the facility's accessible areas and elements. (521 CMR 20.1)
- 2) Accessible Walkways shall be not less than 48 inches wide, excluding curb stones. (521 CMR 22.2)
- 3) Walkway running slopes shall be a maximum of one-in-20, 5%. (521 CMR 22.3)
- 4) Walkway cross slopes shall be a maximum of one-in-50, 2%. (521 CMR 22.3.1)
- 5) Plaza areas shall have a maximum slope of one-in-50, 2%. (521 CMR 22.3.2)
- 6) Gratings in walkways shall have spaces of no greater than 1/2 inch in the direction of travel. (521 CMR 22.7 & 29.4)
- 7) Accessible Parking spaces shall be Level in both directions. (CMR 23.4.3)
- 8) Parking spaces shall be marked with signs showing the international symbol of accessibility and be installed at 5' min, 8' max top height. (CMR 23.6.2 & 23.6.4)
- 9) Any section of an accessible route with a slope greater than one-in-20 shall be considered a ramp and shall comply with 521 CMR 24.
  - a) maximum running slope of a ramp is one-in-12, 8.3% (521 CMR 24.2.1)
  - b) maximum rise for any ramp run shall be 30 inches. (521 CMR 24.2.2)
  - c) minimum clear width of a ramp shall be 48 inches between railings. (521 CMR 24.3)
  - d) maximum length of a ramp run between landings shall be 30 feet. (521 CMR 24.4)
  - e) minimum 60" long level landings shall be provided at the top and bottom of each ramp run. (521 CMR 24.4 & 24.4.3)
  - f) handrails complying with 521 CMR 24, shall be provided at all ramps. (521 CMR 24.5)
- 10) Ground and floor surfaces of accessible routes, accessible walkways, and other accessible areas shall be stable, firm, slip resistant, and maintained with materials that ensure continued slip resistance. (521 CMR 29.1)
- 11) Areas required to be Level shall not have a slope in any direction exceeding 1:50, 2% (521 CMR 3.0)

## SITE PLAN LEGEND

- Existing Building
- Proposed Building
- Edge of Pavement
- Existing Contour
- Proposed Contour
- Zoning District Limit
- Proposed Stone Parking
- Proposed Walk
- Flood Plain Limit
- Traffic Flow Direction
- Existing Fence
- Road Sign
- Utility Pole
- Wheel Stop
- Proposed Spot Elevation
- Existing Spot Elevation
- Existing Exterior Lighting
- Catch Basin
- Landscape Islands

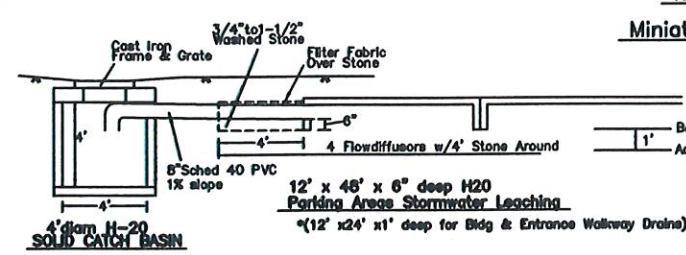


ENTRANCE SIDE (NW) FENCE DETAIL



ALL OTHER SIDES FENCE DETAIL

## Miniature Golf Surround Fencing



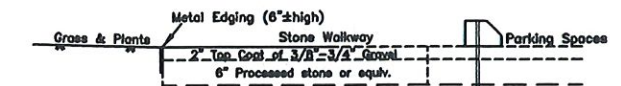
**GROUNDWATER ADJ.**  
Groundwater Found: E1.32  
Index Well: TSW-89  
Zone A (11/19, 11.5') => +1.3'  
Adj. High GW Depth = E1.45

\*Remove Soil For 5' Surrounding the Leaching Down To Original C-Soil Layer

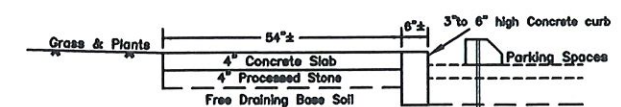
## PROPOSED DRAINAGE

\*\*NOTE: Grading and Drainage Designs For Within The Miniature Golf Layout Area Are To Be Depleted On A Separate Plan.

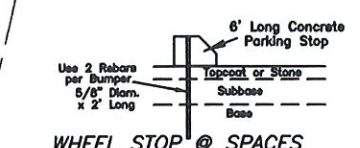
Zone: C-H-1	Article IX Required	Existing	Proposed
Driveway Width @ Lot Line	50' max	85', 31'	45' & 32', 31'
Driveway Distance to Intersecting Street	50' min	44'	50'
Driveway Distance to Side Lot Line	10' min	N/A	N/A
Parking Setback to Street	20' min	14'	20.5'
Parking Setback to Side Line	10' min	N/A	N/A



TYPICAL STONE SIDEWALK AND EDGING DETAIL

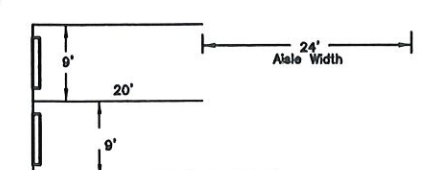


CONCRETE (ADA COMPLIANT) SIDEWALK AND CURB DETAIL

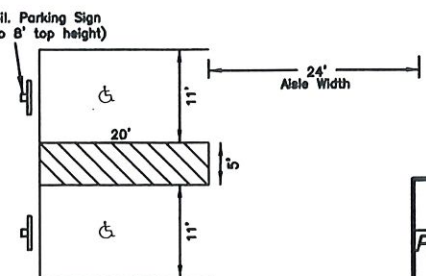


WHEEL STOP @ SPACES

**PARKING CONSTRUCTION**  
per Article 1X.a 325-42.J.  
3" Top Coat of 3/4" Gravel or Bituminous  
2" Processed stone + 4" Gravel  
2" Frost Free Non-Organic Soil



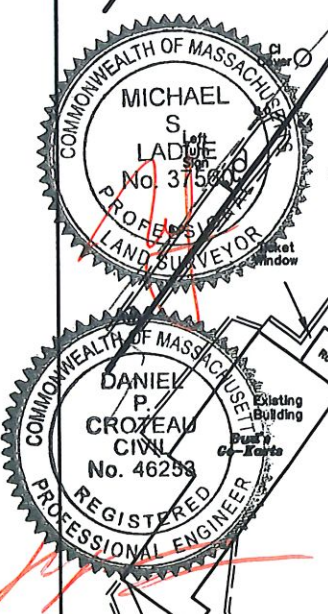
PROPOSED STANDARD PARKING



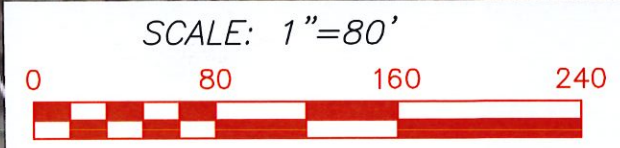
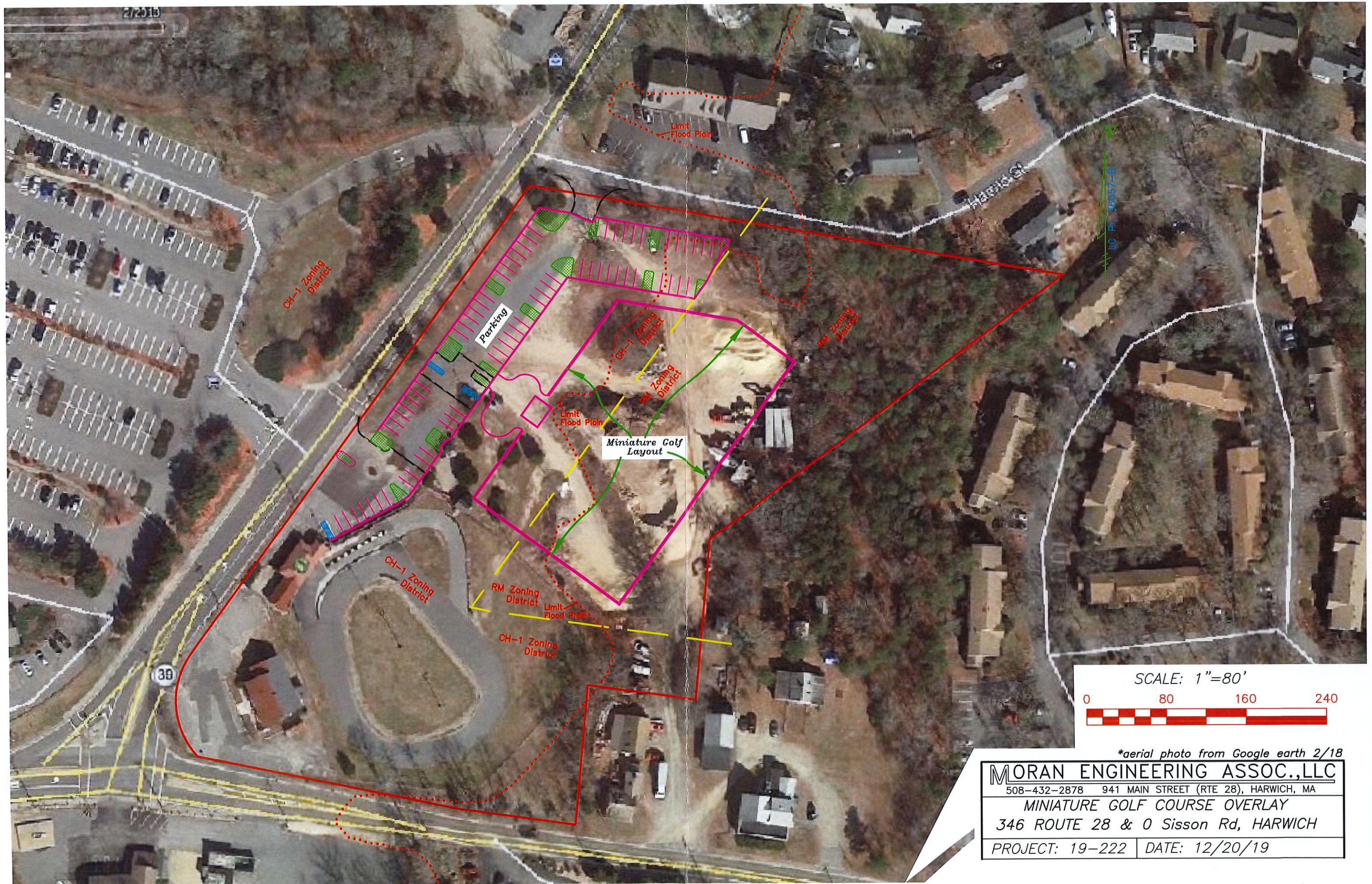
ACCESSIBLE PARKING

**Sheet Index**  
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**Sheet 3**  
**MORAN ENGINEERING ASSOC., LLC**  
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Prepared For: S & S Amusements, LLC  
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PROJECT: 19-222 DATE: 1/6/20, Rev. 1/29/20



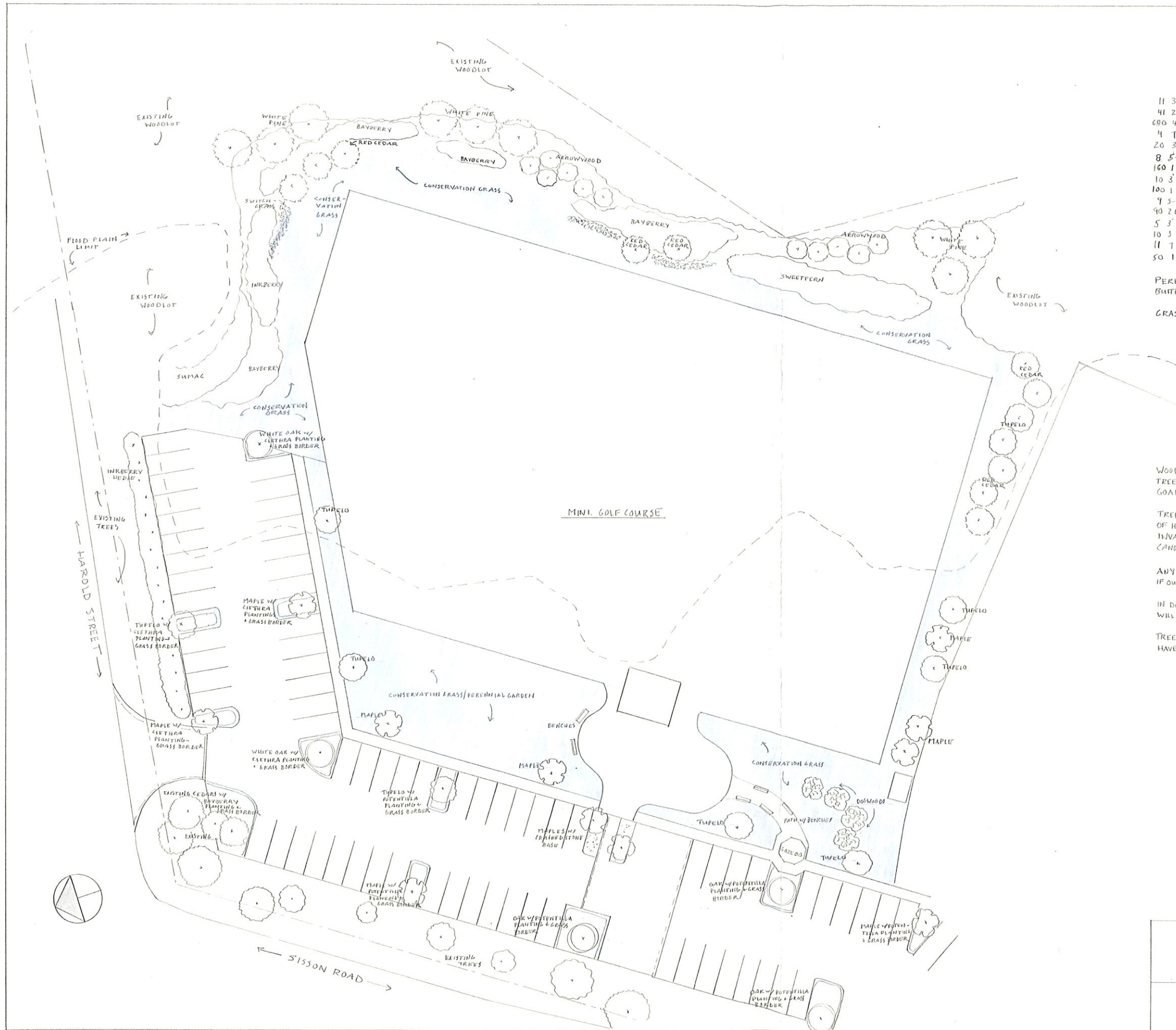




\*aerial photo from Google earth 2/18

<b>MORAN ENGINEERING ASSOC., LLC</b>	
508-432-2878	941 MAIN STREET (RTE 28), HARWICH, MA
MINIATURE GOLF COURSE OVERLAY	
346 ROUTE 28 & 0 Sisson Rd, HARWICH	
PROJECT: 19-222	DATE: 12/20/19





## PLANT LIST

- 11 3" GAL ACER RUBRUM 'OCTOBER GLORY' / RED MAPLE
- 41 2" GAL CLETHRA ALNIFOLIA 'SIXTEEN CANDLES' / SUMMERSWEET
- 600 4" POT COMPTONIA PEREGRINA / SWEETFERN
- 4 1" GAL CORNUS ALTERNIFLORA / TAGODA DOGWOOD
- 20 3" B&B ILEX GLABRA 'COMPACTA' / INK BERRY
- 8 5'-6' JUNIFERUS VIRGINIANA / RED CEDAR
- 160 1" GAL MYRTICA PENNSYLVANICA / NORTHERN BAYBERRY
- 10 3" GAL NYSSA SYLVATICA / TUPELO
- 100 1" GAL PANICUM VIRGATUM / SWITCH GRASS
- 9 3'-6' PINUS STROBUS / WHITE PINE
- 90 2" GAL POTENTILLA FRUTICOSA / POTENTILLA
- 5 3" GAL QUERCUS BICOLOR / SWAMP RED OAK
- 10 3" GAL RHYUS GLABRA / SMOOTH SUMAC
- 11 1" GAL VIBURNUM DENTATUM / ARROWWOOD
- 50 1" GAL ILEX GLABRA 'COMPACTA' / INK BERRY

PERENNIAL GARDEN TO INCLUDE: LAVENDER, HEATHS, HEATHERS, BUTTERFLY WEED, POTENTILLA, COLUMBINE

GRASS IS HARMONY MIX BY COLONIAL SEED CO.

## NOTES

WOODLOT: INVASIVES TO BE REMOVED AND ANY PROFOUNDLY DAMAGED TREES. ALL OTHERS AND ANY NATIVE SHRUBS, SUCH AS VIBURNUM, TO REMAIN. GOAL: KEEP AS MUCH COVER AS POSSIBLE FOR SCREENING AND WILDLIFE.

TREES ALONG SISSON ROAD TO REMAIN. SOME TREES NEAR INTERSECTION OF HAROLD AND SISSON CURRENTLY OVERWHELMED AND DISFIGURED BY INVASIVES. THEY MAY REQUIRE PRUNING OR REMOVAL IF MAJORITY OF CANOPY IS DEAD OR BROKEN.

ANY OTHER EXISTING TREES OUTSIDE THE MINI GOLF AREA TO BE PROTECTED IF OUTSIDE THE AREA OF CONSTRUCTION (SUCH AS SEPTIC LINES).

IN DRIVEWAY BEDS, A 2' GRASS (CONSERVATION MIX) BORDER ON EITHER SIDE WILL HELP ELIMINATE SHRUB DAMAGE BY FOOT TRAFFIC AND CAR DOORS.

TREES CHOSEN FOR FLOODPLAIN REGION ARE NATIVE TO THE CAPE AND ALL HAVE A HEIGHTENED TOLERANCE FOR TEMPORARY FLOODING.



LANDSCAPE DESIGN FOR HARWICH MINI GOLF - ASWANI OSEV  
346 ROUTE 28, HARWICH, MA

SCALE: 1"=20'

DATE: DEC 18, 2019  
REV: JAN 6, 2020

BY SHANNON GARDEN: SECOND NATURE GARDENWORKS  
774-487-0021 shannonssecondnaturegardenworks.com

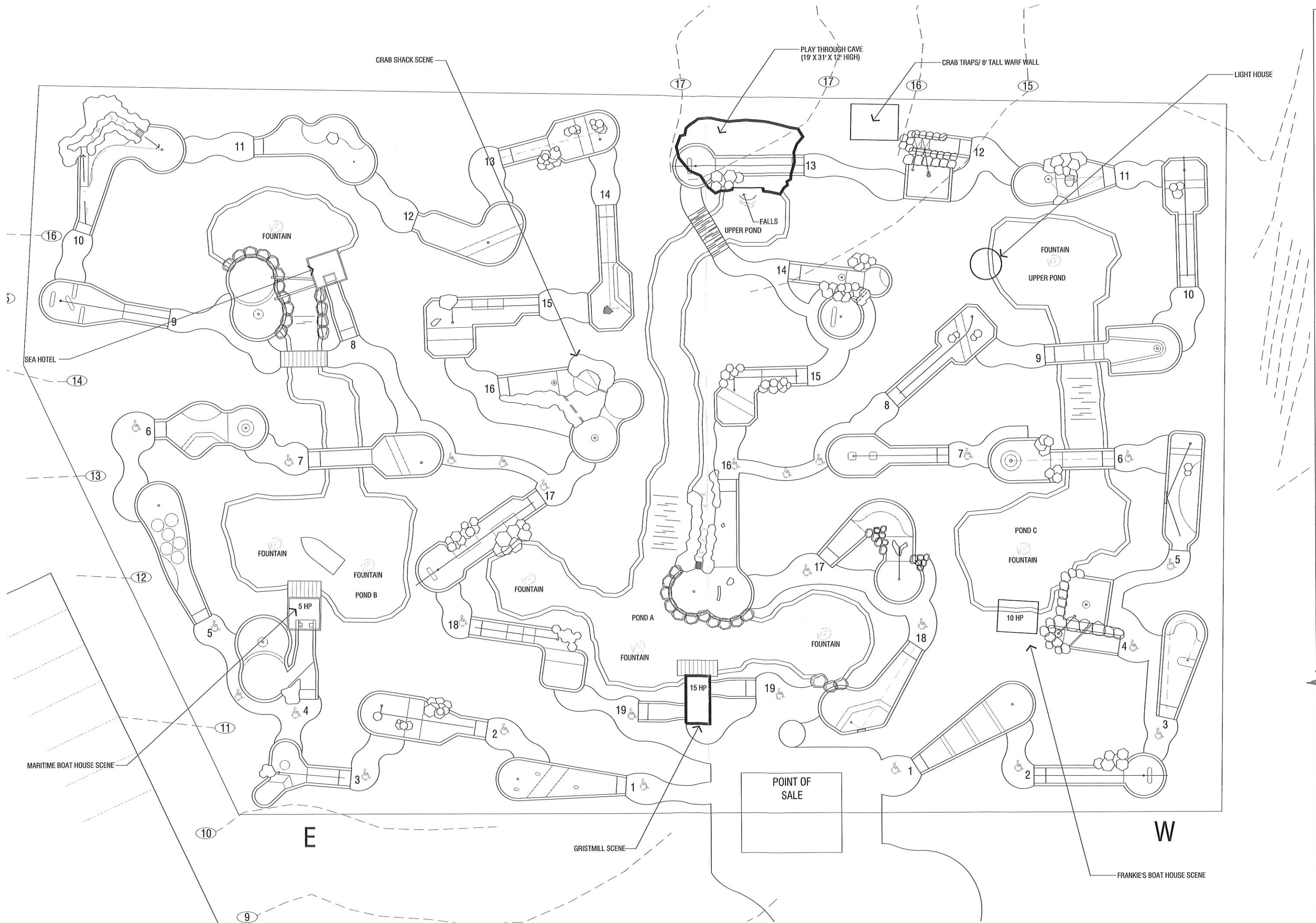




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JOB NO. XXXX		DRAWN BY DHP		SCALE NTS				
DATE 12-12-2019		SHEET NO.		C-1A				
				MINI-GOLF LAYOUT				





BY	REVISION
NO.	DATE
487/9	4/8/19
487/10	8/11/19
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SWAVI OSEV  
CAPE COD, MA

MINI-GOLF LAYOUT

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**castle golf**  
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MESA, ARIZONA, 85205  
PHONE: 480-988-1955

JOB NO. 2009

DRAWN BY DHP

SCALE 1"=10'

DATE 1-28-20

SHEET NO.

C-1





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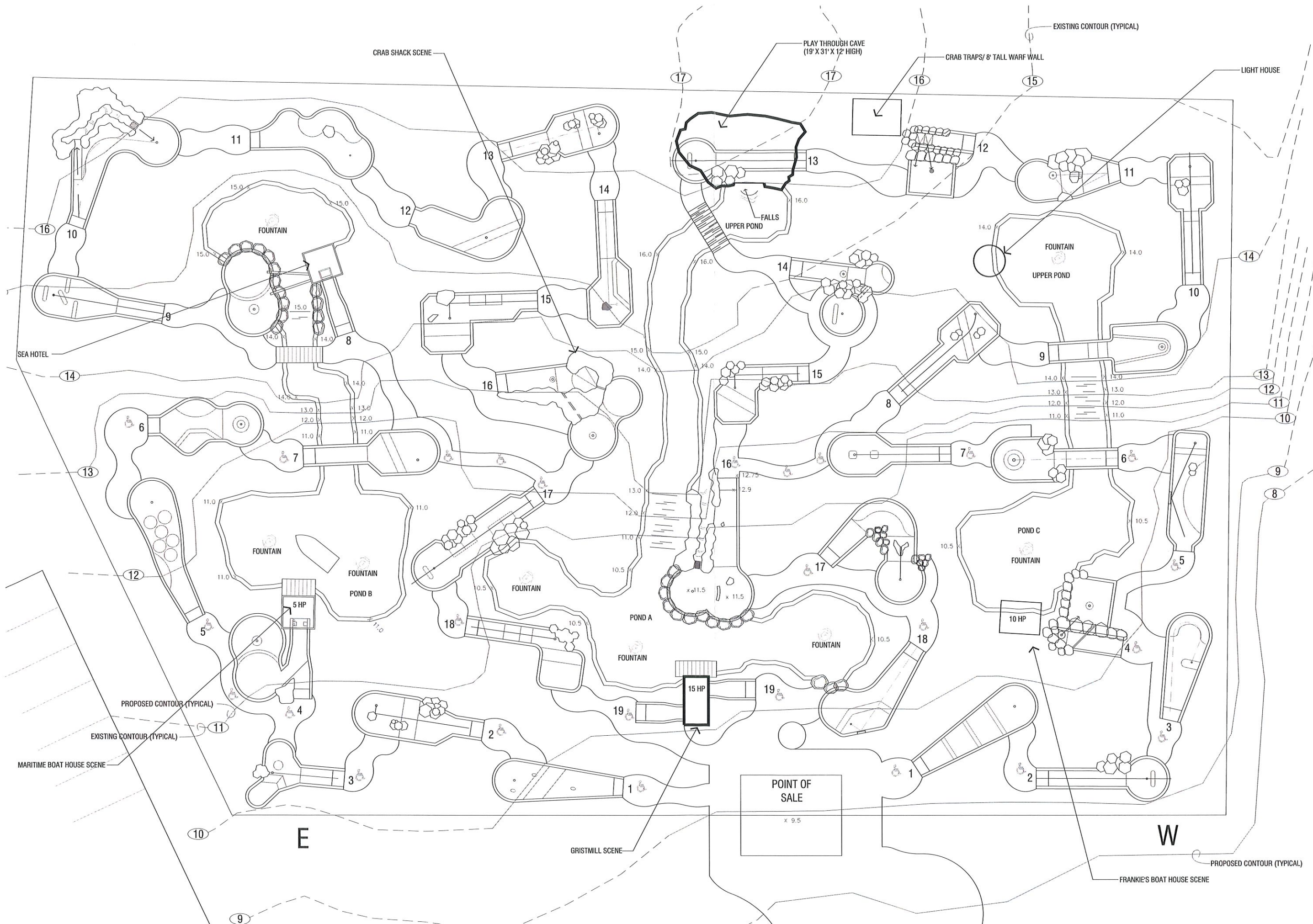
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**C-1A**

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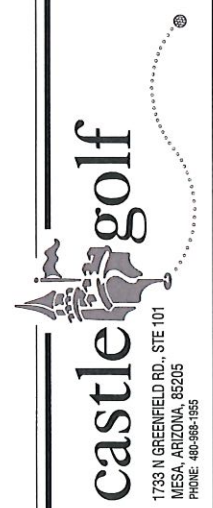


NO.	DATE	BY	REVISION
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2	8/17/19		ADA REVISIONS
3			
4			
5			

SWAVI OSEV  
CAPE COD, MA

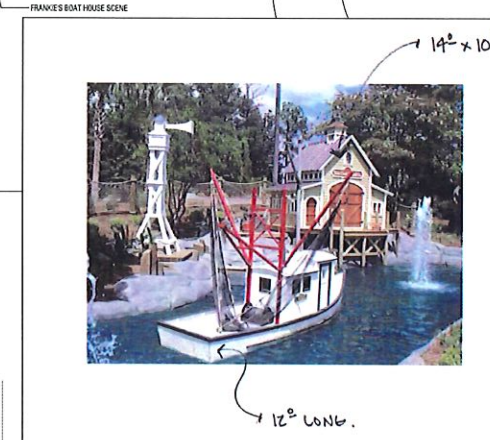
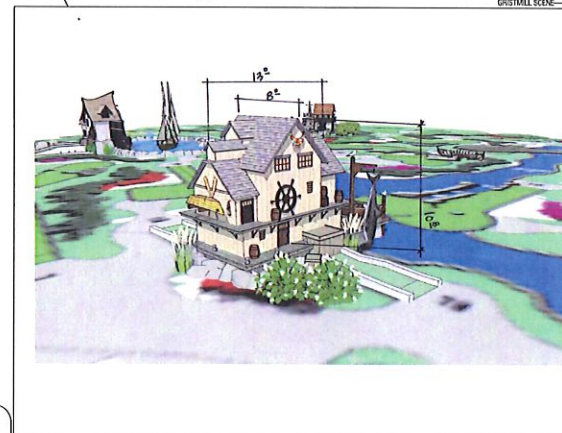
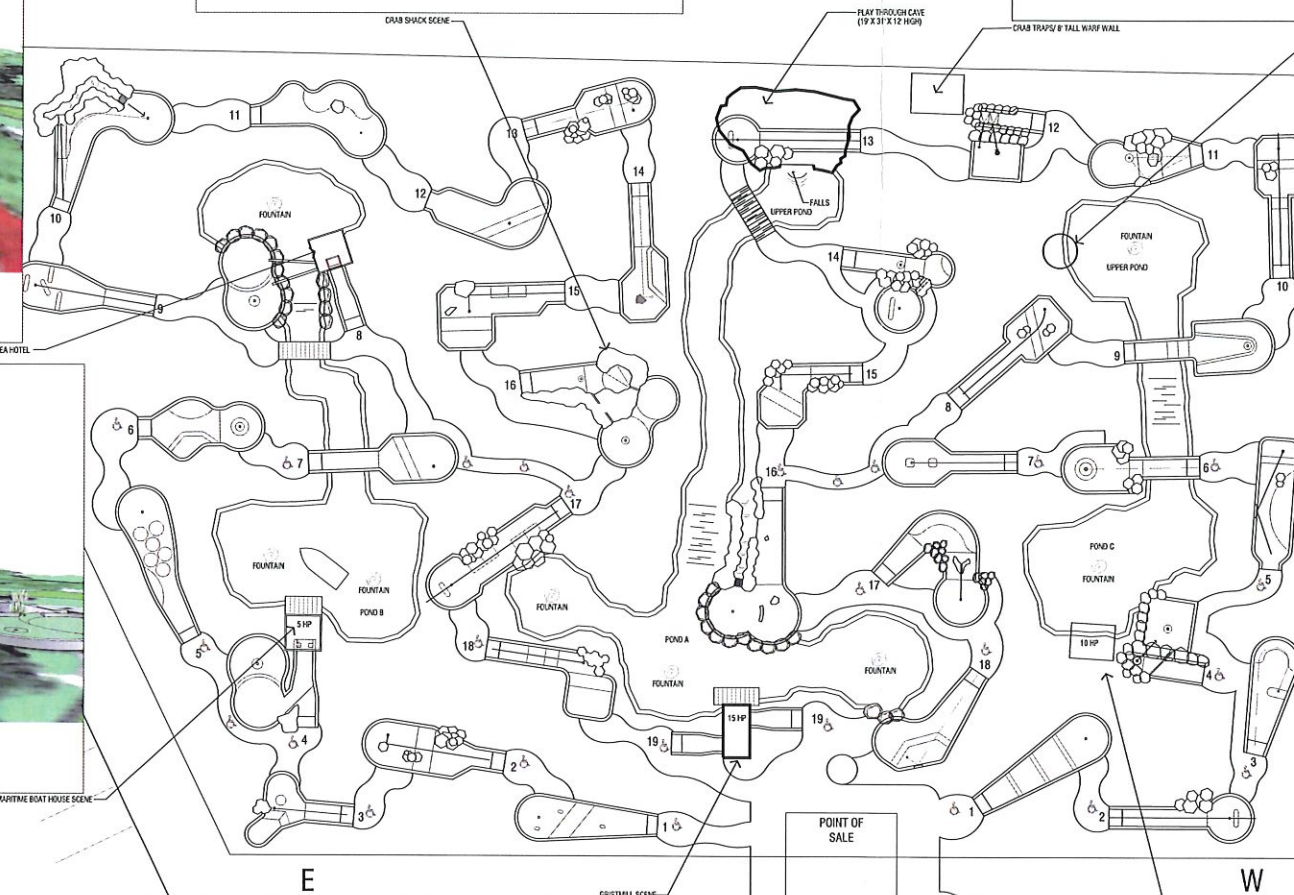
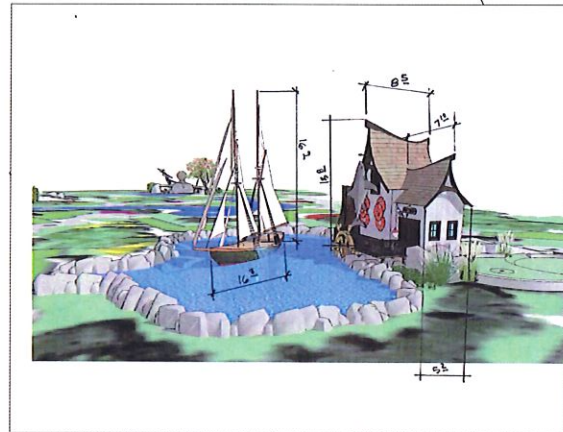
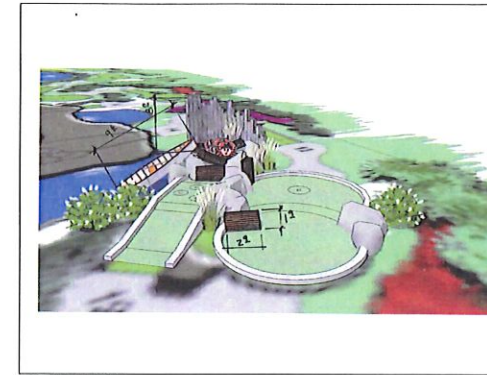
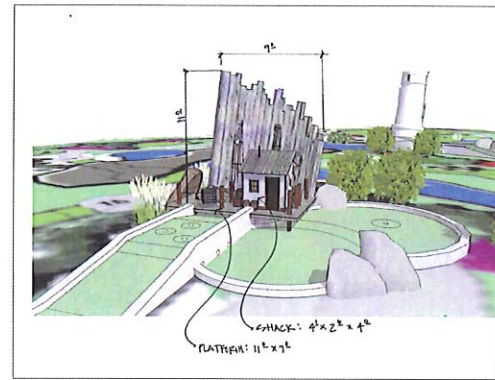
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SCALE 1"=10'
DATE 1-28-20
SHEET NO. G-1





EXISTING GO KART TRACK

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	10						

**SWAVI OSEV**  
CAPE COD, MA

## MINI-GOLF SITE PLAN AND THEME

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JOB NO. 2009

DRAWN BY DHP

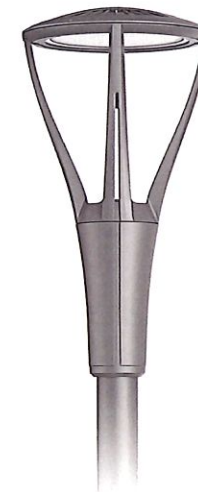
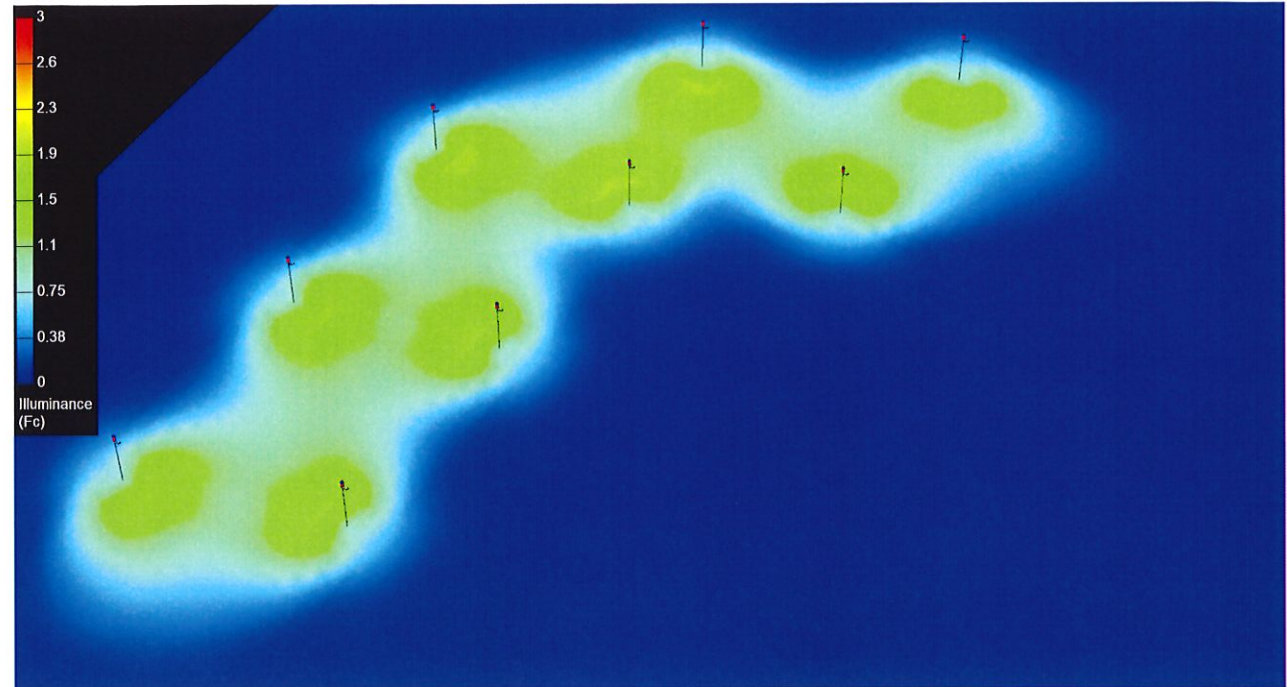
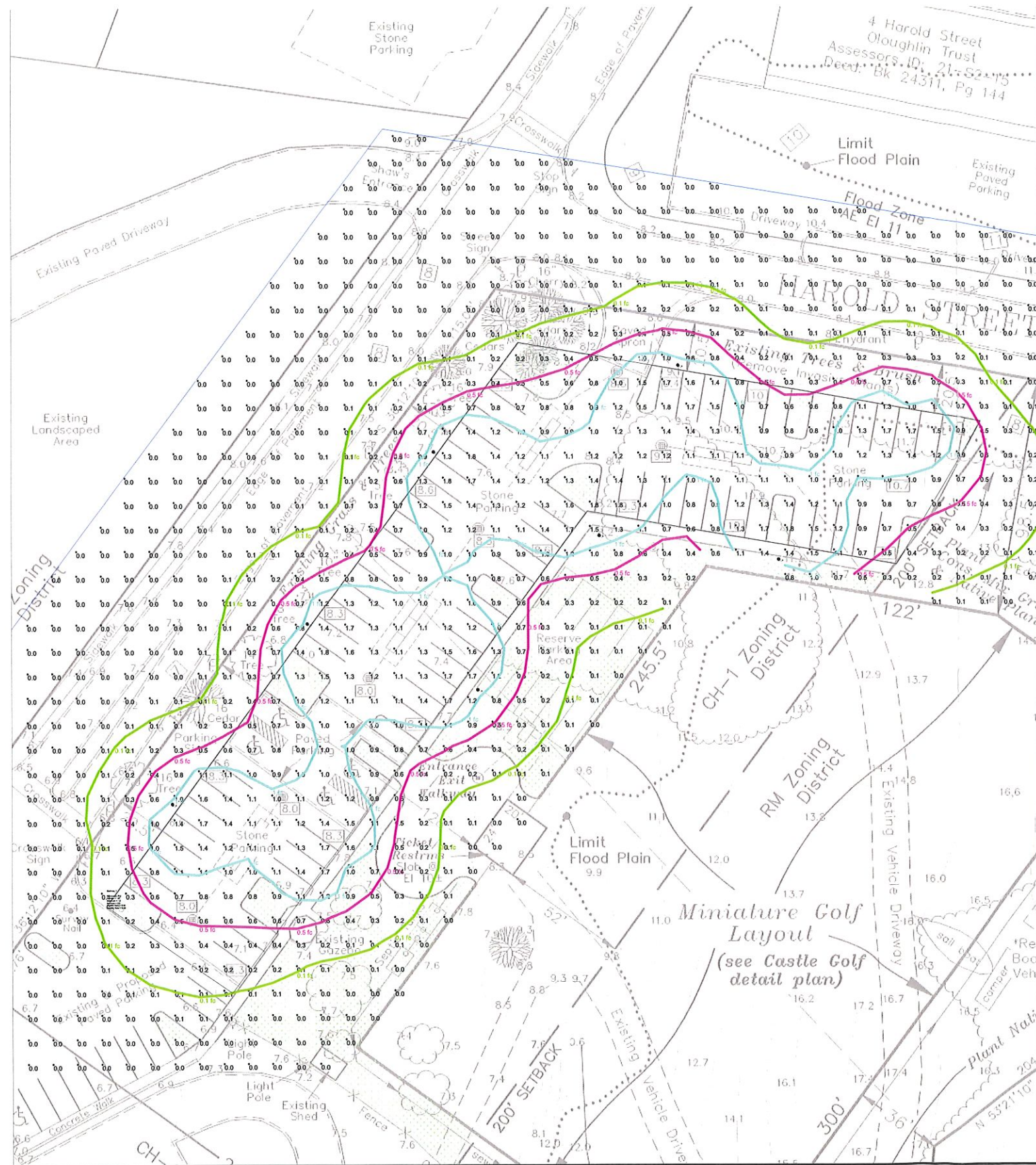
SCALE 1"=20'

DATE 1-28-20

SHEET NO.

S-1





Luminaire Schedule					
Qty	Label	Manufacturer - Series	Description	IES Class	BUG Rating
9	L1_4	Lumec - UrbanScape	MPTC-72W32LED3K-G2-LE4	Type IV	B1-U0-G2
					LLF 0.900

GENERAL DISCLAIMER:

Calculations have been performed according to IES standards and good practice. Some differences between measured and calculated results may occur due to tolerances in calculation method, testing procedures, component performance, measurement techniques and field conditions such as site layout and topography. Input data used to generate the attached calculations such as room dimensions, reflectances, luminaire and architectural elements may affect the lighting calculations. If the actual environmental conditions do not match the input data, differences will exist between measured values and calculated values.

**NOTE TO REVIEWER:**

For proper comparison of photometric layout, it is essential that you hold all designs to the same Light Loss Factor.

REVISIONS:

REV. 1 012820



PROJECT TITLE:

HARWICH MINIATURE GOLF

DRAWING TITLE:

PRELIMINARY PARKING LOT LIGHTING

SCALE: NTS

DATE: 01/08/2020

DRAWN BY: DP

SHEET:

L-1

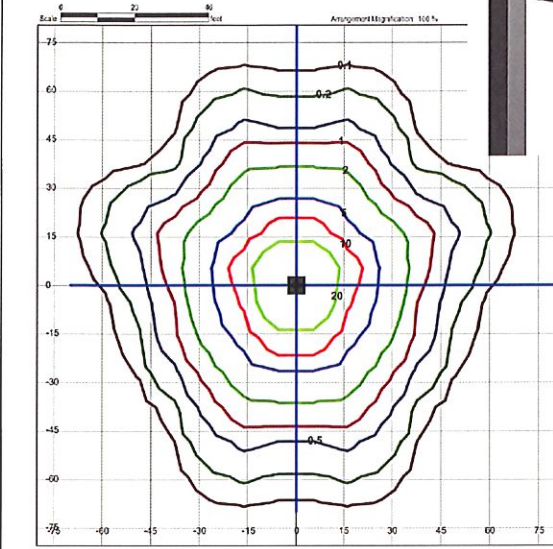


**RAB**  
LIGHTING

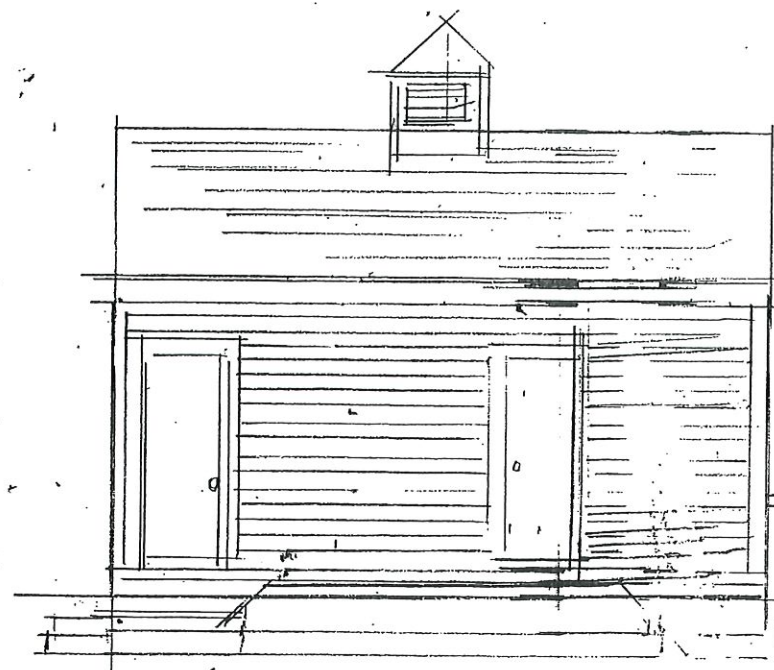
Date: 12 Apr 2016  
Title: Enter the title here...ALH150SFQD D-180  
Desc: Enter description here

**Luminaire**  
IES File name: ah150sq.ies  
Description: TYPE: LUMINAIRE  
AL ALCA LIGHT WITH SEMI SPECULAR REFLECTOR  
AND CLEAR FLAT GLASS LENS  
ONE 150 WATT FS MH LAMP

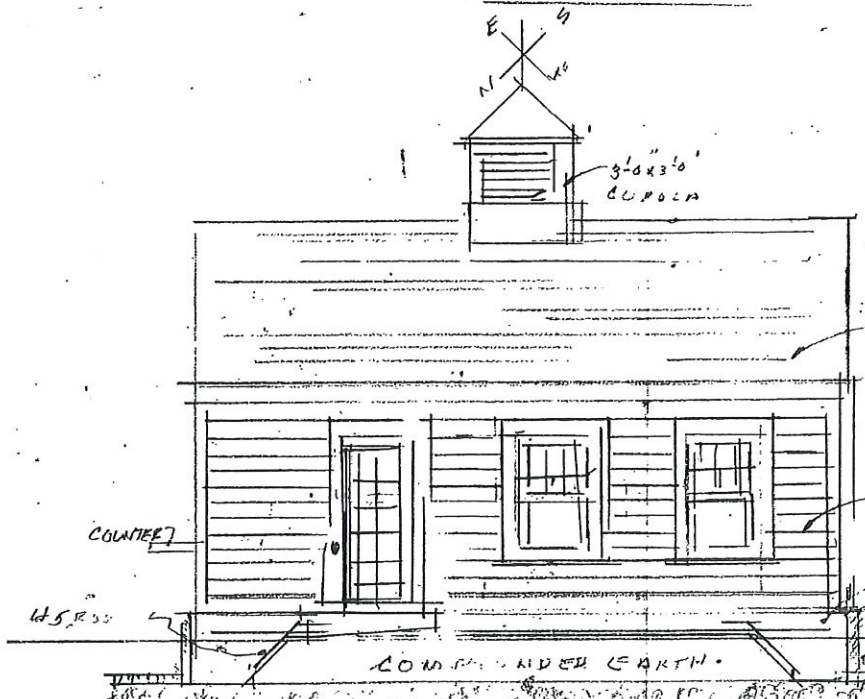
For: Client's name or company...  
By: Your name or company...  
Light Loss Factor: 1.00  
Number of Lamps: 1  
Lamp Lumens: 12600 lms  
Luminaire Watts: 150 W





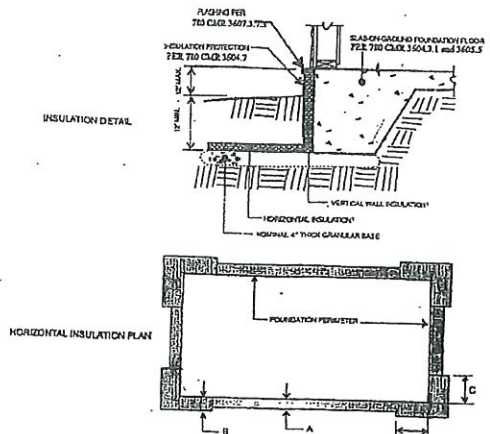


REAR ELEVATION  
1/4" = 1'-0"



FRONT ELEVATION  
1/4" = 1'-0"

FIGURE 3604.3a  
INSULATION PLACEMENT FOR FROST-PROTECTED FOOTINGS  
IN HEATED BUILDINGS



For SI: 1 inch = 25.4 mm.  
1. See table 3604.3.3 for required dimensions and R-values for vertical and horizontal insulation.

**780 CMR 3604.4 FOUNDATION WALLS**  
3604.4.1 Concrete and masonry foundation walls: Foundation walls shall be constructed in accordance with the provisions of 780 CMR 3604.4 or in accordance with ACI 318, ACI 318.1, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 as listed in Appendix A, or other approved structural systems.

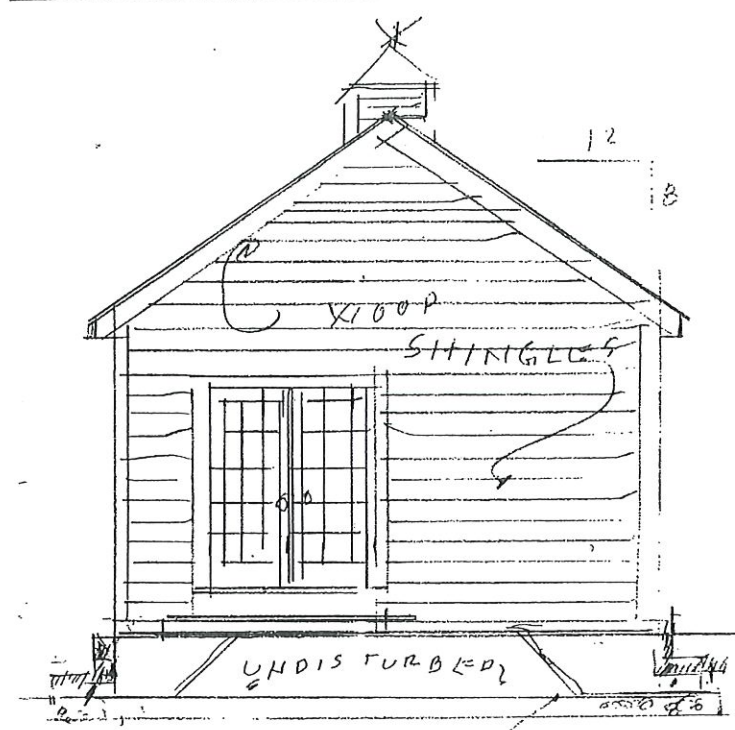
3604.4.1.1 Masonry and concrete wall construction: Masonry and concrete foundation walls shall be constructed as in accordance with Table 3604.4.1.1a.

Exception: Where unstable soil conditions exist or where the foundation extends to or below the seasonal high groundwater table, foundation walls shall be constructed in accordance with Table 3604.4.1.1b.

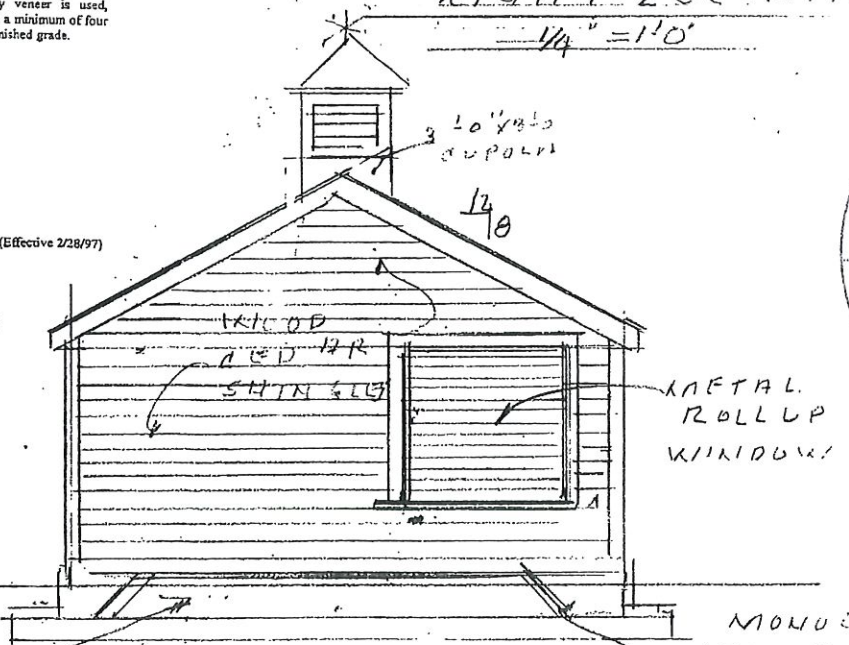
3604.4.1.2 Design: Foundation walls subject to more pressure than would be exerted by backfill having an equivalent fluid weight of 30 pounds per cubic foot (141 kN/m<sup>3</sup>) shall be designed in accordance with accepted engineering practice by a registered professional engineer or registered architect.

3604.4.1.3 Grade Clearance: Foundation walls shall extend at least eight inches above the finished grade adjacent to the foundation at all points.

Exception: Where masonry veneer is used, foundation walls shall extend a minimum of four inches (102 mm) above the finished grade.



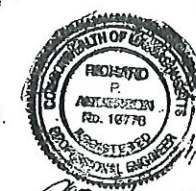
RIGHT ELEVATION  
1/4" = 1'-0"



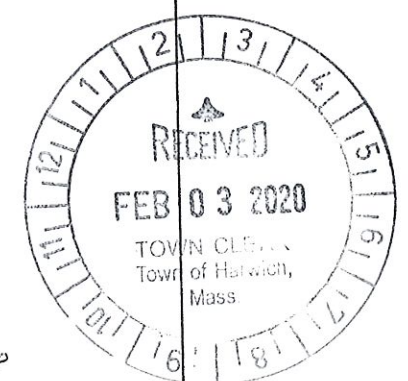
LEFT ELEVATION  
1/4" = 1'-0"

NOTES:

- 1- BUILDER WILL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- 2- SOME DIMENSIONS MAY VARY. FIELD CONDITIONS WILL PREVAIL AS LONG AS THE STRUCTURAL INTEGRITY IS NOT AFFECTED.
- 3- STRUCTURAL CHANGES MUST BE APPROVED BY SEA & B ENGINEERING.
- 4- WINDOW & DOOR SIZES TO BE VERIFIED BY BUILDER PRIOR TO CONSTRUCTION.



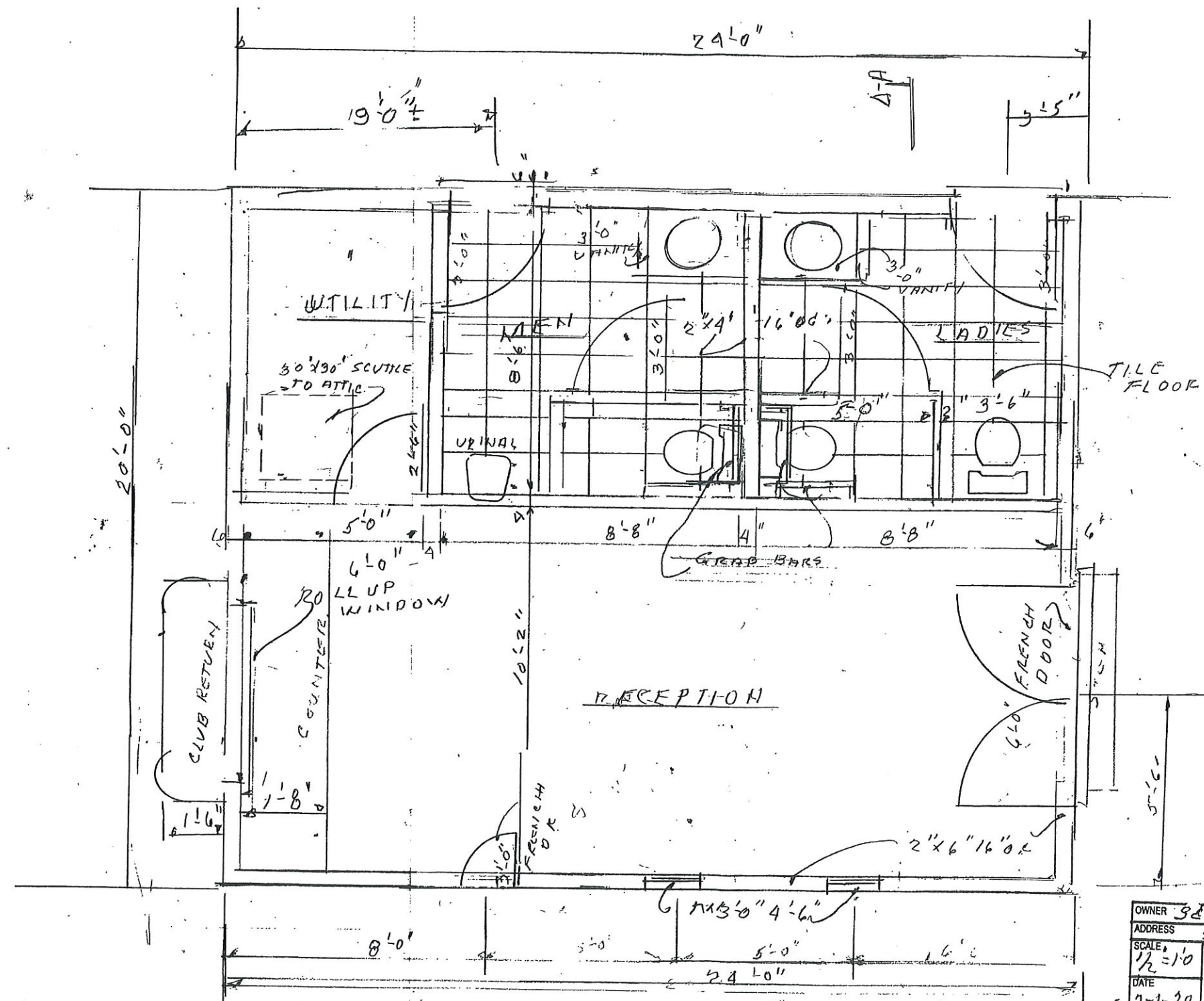
OWNER: S.B.S. AMUSEMENTS LLC		DRAWN: F.D.C.	
ADDRESS: 346 RT. 2A, SEABOARD, MA 01968		REV.	
SCALE: AS SHOWN	DESIGNED BY: FRANK D. CIAMBRIELLO	REV.	
DATE: 2-1-20	508.385.2266 OFFICE/FAX 774.353.6329 CELL FACIAM@COMCAST.NET 301 SETUCKET ROAD DENNIS, MA 01918	REV.	
B5A BOSTON SOCIETY OF ARCHITECTS PROFESSIONAL AFFILIATE AMERICAN INSTITUTE OF ARCHITECTS		REV.	
ALL ELEVATIONS		DWG. NO. 1 OF 49	





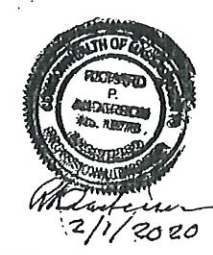
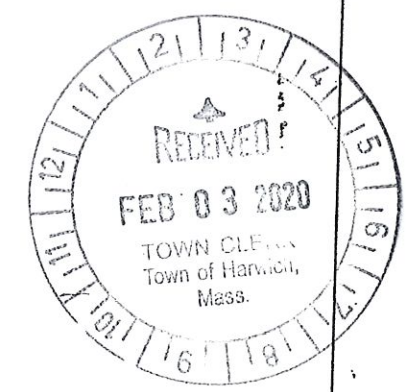




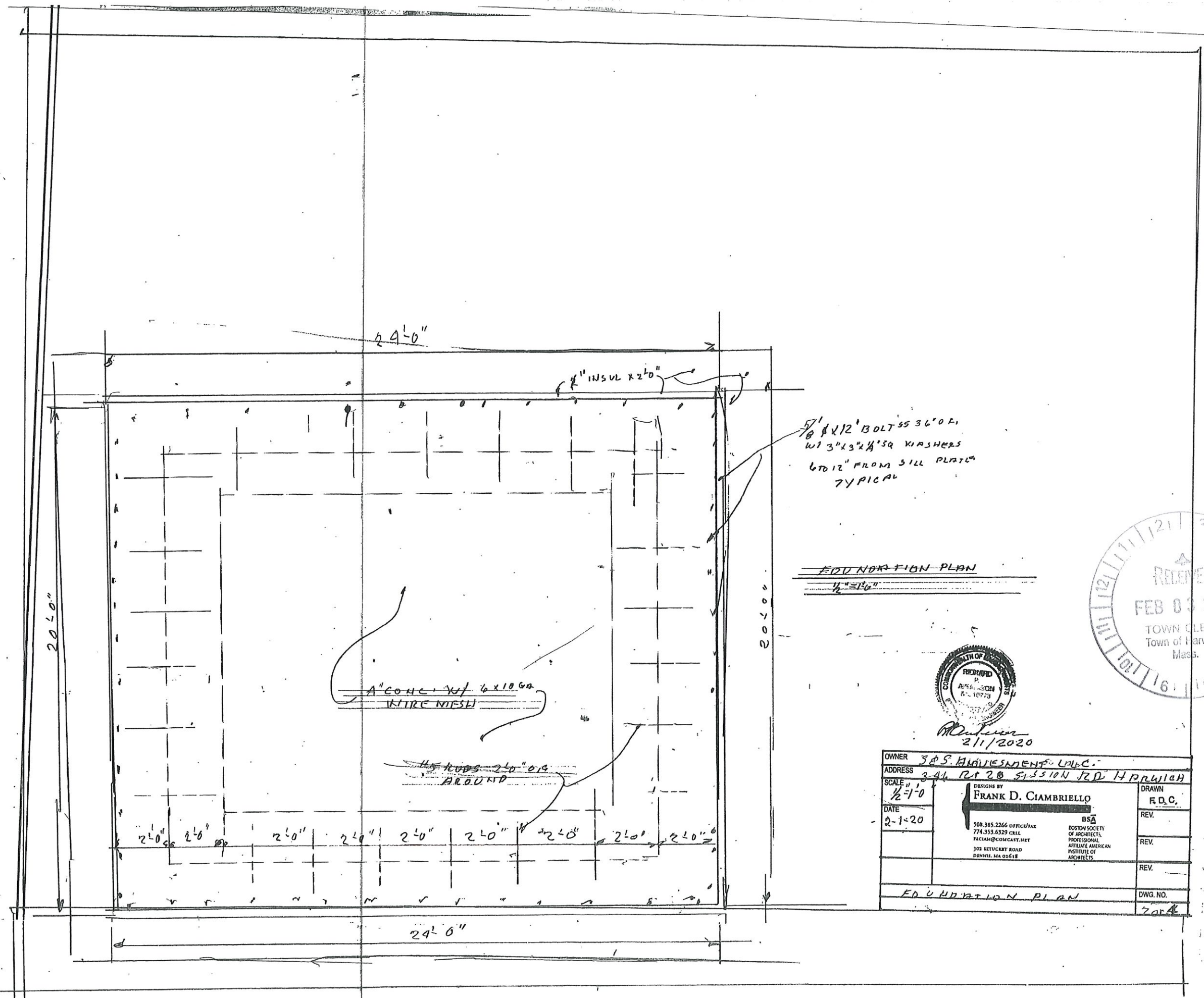


FLOOR PLAN

1/2" = 1'-0"



OWNER: SES AMUSEMENT LLC	
ADDRESS: 346 RT 2B, SIOSSIOK RD, HARWICH, MA 02645	
SCALE: 1/2" = 1'-0"	DESIGNED BY: FRANK D. CIAMBRIELLO
DATE: 2-1-20	<div> <div> 508.385.2266 OFFICE/FAX  774.353.6329 CELL  FACIAM@COMCAST.NET  302 SETUCKET ROAD  DENNIS, MA 01918 </div> <div> BSA  BOSTON SOCIETY  OF ARCHITECTS  PROFESSIONAL  AFFILIATE AMERICAN  INSTITUTE OF  ARCHITECTS </div> </div>
FLOOR PLAN	DRAWN: F.D.C.
	REV.
	REV.
	REV.
	DWG. NO. 3054



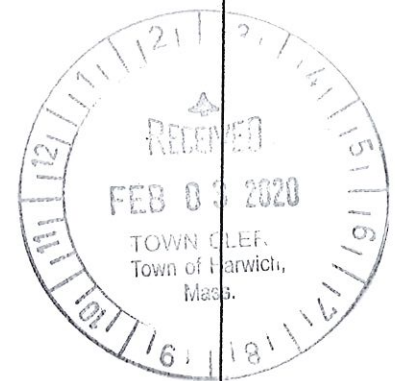
7/8" x 12" BOLT SS 36" O.P.  
W/ 3" x 3" x 1/4" SQ WASHERS  
6 TO 12" FROM SILL PLATE  
TYPICAL

FOUNDATION PLAN

1/2" = 1'-0"



2/1/2020



OWNER	J.P.S. ADVERTISEMENTS, LLC.		
ADDRESS	344 RT 28 STATION RD HARWICH		
SCALE	1/2" = 1'-0"	DESIGNED BY	FRANK D. CIAMBRIELLO
DATE	2-1-20	BSA	BOSTON SOCIETY OF ARCHITECTS, PROFESSIONAL AFFILIATE AMERICAN INSTITUTE OF ARCHITECTS
		508.385.2266 OFFICE/FAX	
		774.353.6329 CELL	
		FACIAM@COMCAST.NET	
		302 SETUCKET ROAD	
		DENNIS, MA 01918	
FOUNDATION PLAN		DWG. NO.	2014



January 28, 2020

Town of Harwich  
Planning Board  
732 Main Street  
Harwich, Massachusetts. 02645



To Members of the Planning Board:

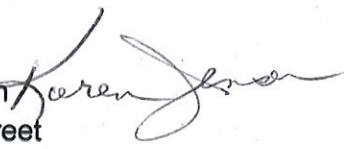
Recently I received information regarding PB2020-02 Steve Gopoyan & Swazi Osev seeking approval of a Site Plan Review Special Permit and a Use Special Permit with waivers, pursuant to the Code of Town of Harwich §§325-13, IV Line 30, -55 and -51 to construct a miniature golf course and expanded and improve the parking and vehicle access. Please note I am vehemently OPPOSED to this request and am asking the Board to DENY the request.

The area proposed for this change is not conducive to this enormous detriment the neighborhood. The area is residential quiet neighborhood with many occupants Oder in years. To subject this neighborhood to what is planned is not it its best interest and is being proposed to increase traffic—both foot and auto—that would make this neighborhood into a mini "Las Vegas."

I ask you to please consider what you would do, and how you would vote, if this special permit were being proposed for your backyard? Money is what this proposal is all about and not the consideration of people and what is in the best interest for the Town by the applicants. I understand towns always need money for improvements to the town's various project but there has to be a better way or a better place.

I urge you please DENY this request. Thank you.

Sincerely

Karen Jensen   
14 Harold Street  
Harwichport, MA. 02646





**AGENDA ITEM # ~~XXX~~ II.C**

To: Planning Board  
From: Charleen Greenhalgh, Town Planner  
Date: January 6, 2020  
Re: Staff Report – Site Plan Review Special Permit & Use Special Permit

**PB2019-45 Royal Apartments LLC, as owner, Alex Bardin, Representative,** seeks approval of a Multi-Family Use Special Permit 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.

The Planning Board will hold a public hearing at the Tuesday, January 14, 2020 meeting no earlier than at 6:30 p.m. **Please note that confirmation of the certified mailings will need to be submitted.**

**Description**

The applicant seeks approval for a 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. The application was filed with the Town Clerk on December 10, 2019 and include the following:

1. Form A – Special Permits & Site Plan Review
2. Municipal Lien Certificate
3. A project narrative, date stamped received December 10, 2019
4. The following Plans were included:
  - A. Plans prepared by Coastal Engineering Co., for Royal Apartments, LLC, 328 Bank Street, Harwich, MA, stamped by David J. Michniewicz, P.E. (unless otherwise noted), dated 12-5-19 (unless otherwise noted), as follows:
    1. Sheet C1.1.1 – Plan Showing Existing Conditions, stamped by John McElwee, P.L.S., dated 10-31-19
    2. Sheet C2.1.1 – Plan Showing Proposed Site Layout and Materials
    3. Sheet C2.2.1 – Plan Showing Proposed Grading and Drainage
    4. Sheet C.2.4.1 – Site Details
    5. Sheet C.2.4.2 – Utility Details
  - B. Plans prepared by David H. Dunlap Associates, Inc. for Royal Apartments, Harwich, MA:
    1. Sheet SP-1, Landscape Plan, dated 12/6/19, scale 1" = 20'
    2. Sheet SP-2, Parking Lot Lighting and Photometric Plan, dated 9/24/19, scale 1" = 20'

3. Sheet A-1, Ground Floor Plan dated 9/24/19, scale 1" = 20'
4. Sheet A-2, First Floor Plan dated 9/24/19, scale 1/8" = 1'-0"
5. Sheet A-3, Second Floor Plan dated 9/24/19, scale 1/8" = 1'-0"
6. Sheet A-4, Third Floor Plan dated 9/24/19, scale 1/8" = 1'-0"
7. Sheet A-5, Accessory Building Floor Plan dated 9/24/19, 1/8" = 1'-0"
8. Sheet A-6, Exterior Elevations dated 9/24/19, scale 1/8" = 1'-0"
5. Stormwater Management Report for 328 Bank Street, Harwich, MA dated December 6, 2019, prepared by Royal Apartments LLC, Prepared by Coastal Engineering Co., Inc.

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

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

1. §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.
2. §325-51.D Special permit to construct multifamily dwellings, hotels or motels.
  - (1) The Planning Board, in acting upon an application for special permit to construct multifamily dwellings, hotels or motels, shall have the authority, pursuant to MGL c. 40A, § 9, to include in the grant of permission authorization to increase the permissible density of population or intensity of a particular use in a proposed development, provided that the petitioner or applicant shall, as a condition for the grant of authority to increase permissible density, provide certain open space or some or all of the amenities hereafter listed, but the Board shall not have the authority to increase the density of population or intensity of uses beyond the maximums hereafter specified.

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

- (2) For the purpose of ensuring that an applicant or petitioner constructs the proposed amenities in accordance with the plans and specifications submitted to the Planning Board, the Planning Board shall require, as a condition to the granting of the permit, that the applicant or petitioner execute a covenant on such reasonable terms and conditions as the Planning Board may specify and wherein the petitioner or applicant shall agree to construct the amenities as proposed in accordance with a timetable



approved by the Planning Board, and the Planning Board may require that the amenity or amenities, once constructed, shall be under the control or jurisdiction of a nonprofit organization, the principal purpose of which is the maintenance and management of said amenities, or that control of said amenities be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development. The covenant required hereunder shall be recorded at the Barnstable County Registry of Deeds before any work authorized by the special permit is begun, and no lot, dwelling or multifamily dwelling unit shall be conveyed (except as provided in MGL c. 41, § 81U, Clause 2) until said covenant has been released in whole or as it relates to the portion of the premises to be conveyed by duly executed instrument or release by the Planning Board.

3. §325-51.O Harwich Center Overlay District.

(1) Purpose. The Harwich Center Overlay District enables the development and redevelopment of Harwich Center to be in keeping with its historic development patterns, including the size and spacing of structures and provision of open space. The redevelopment of existing structures will encourage them to come into compliance with current plumbing, electric and building codes, as well as the latest fire and handicapped access regulations. Agencies involved with historic preservation will be encouraged to make recommendations on proposed development or redevelopment.

(2) Scope.

- a) Within the Harwich Center Overlay District, only property that is currently within the Commercial - Village (CV) Zoning District in Harwich Center is permitted to utilize this section, with the following two exceptions: property located on the southeast corner of the intersection of Sisson Road and Parallel Street just east of Forest Street, currently shown on Assessor's Map 40 as Parcel Z5, and the parcel located at the southwest corner of the intersection of Bank Street and Parallel Street, currently shown on Assessor's Map 41 as Parcel N4, are also permitted to utilize this section. All property owners, including the Town of Harwich, are required to locate the majority of structures on the street frontage portion of the property and to locate parking, septic and open space to the rear of the property.
- b) The dimensional requirements, including building setbacks, maximum site coverage and heights of these structures, are outlined in Subsection O(5) of this section.
- c) This bylaw is intended to be used in conjunction with other regulations of the Town, including site plan review and other bylaws designed to encourage appropriate and consistent patterns of village development.
- d) Applicants, with the approval of the Board of Health, and other agencies as required are encouraged to utilize new and improved technologies for septic treatment and stormwater drainage purposes.

(3) Location. The Harwich Center Overlay District is shown on the following map: Harwich Center Overlay District, October 2003, prepared by the Town of Harwich Planning Department. The Harwich Center Overlay District is bounded on the south by Parallel Street from Bank Street to Sisson Road, but including the parcel on the south side of Parallel Street at Bank Street (also shown on Harwich Assessor's Map 41 as Parcel N4) and the parcel on the south side of Parallel Street at Sisson Road (also shown on Harwich Assessor's Map 40 as Parcel Z5); the district is bounded on the west by Sisson Road, Route 39 (Main Street) and Route 124 (Pleasant Lake Avenue); the district is bounded on the north by Old Colony Way to the west



boundary line of Parcel C4-B, on Assessor's Map 41; the district is bound on the east by the west boundary line of Parcel C4-B, on Assessor's Map 41, and the east boundary line of the Town of Harwich owned land (Parcel C302 and C5, on Assessor's Map 41) and Bank Street to the southeast corner of Parcel N4 at Bank Street.

(4) Procedure.

- a) The Planning Board shall serve as the special permit granting authority for developments within the Harwich Center Overlay District.
- b) Prior to the submission of an application for special permit under this bylaw, the applicant may meet with the Planning Board at a public meeting for a preapplication conference to discuss the proposed development in general terms and establish the plan filing requirements. The Planning Board shall schedule a meeting for a preapplication conference following a written request from the applicant, inviting preliminary comments from the Board of Health, Conservation Commission, and any other interested officials or agencies. The purpose of this preapplication conference is to inform the Planning Board as to the nature of the proposed project. As such, no formal filings are required for the preapplication conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall concept of the proposed project and its relationship to abutting properties.
- c) Special permit applications shall comply with and be subject to the requirements of § 325-55, Site plan approval.

(5) Dimensional requirements.

- a) Setback requirements:
  1. Front setback requirements shall be determined at the time of site plan review based on existing development patterns and the elements of the proposed project.
  2. Side lot line setback shall be 10 feet.
  3. Rear lot line setback shall be 10 feet.
- b) Parking shall be permitted at the side or rear of the property.
- c) Maximum site coverage shall not exceed 80%.
- d) The maximum permitted height for new constructions shall not exceed 30 feet or 2 1/2 stories.
- e) Minimum lot size shall be 15,000 square feet.
- f) The Board may waive or modify these dimensional requirements if it finds that such waiver or modification will not substantially derogate from the purpose and intent of this bylaw and that such waiver or modification may be granted without substantial detriment to the neighborhood or overall public good.

(6) Uses. Uses permitted by right or special permit for the underlaying zoning district remain. However, the following additional uses are allowable by special permit in the Harwich Center Overlay District, provided that all other zoning requirements herein are met:

- a) Inn.
- b) Bed-and-breakfast.

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

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

**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 install 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; comments are noted below. Additionally, he will be reviewing in detail the Stormwater Report and provide comments as needed.

### **Planning Staff Comments**

1. As noted, the Town Engineer and Town Planner met to review the plans and application as submitted. Based on that review, the following questions/comments were shared with the applicant on December 23, 2019.
  - a. A list of waivers has not been submitted; just want to clarify that no waivers are requested.
  - b. The property is located within the MR-L Zoning District, but does have the Harwich Center Overlay options available. Please note that the Multi-Family Use is only allowable within the MR-L Zoning District and therefore within the zoning compliance table the minimum MR-L zoning requirements should be included.
  - c. A Registered Land Surveyor's stamp is required on all plan sheets providing dimensional property setbacks.
  - d. Any Board of Health approvals or restriction will need to be noted on the plan, if applicable.
  - e. Dimensional parking setbacks are missing for the new parking layouts, both at the southeast corner and at the new redesigned entrance off Parallel Street.
  - f. One curb cut along Parallel Street is being removed and the other is being widened. The new width of the curb cut should be noted on the plans.
  - g. A lighting schedule has been provided; however no lighting fixtures (including lighting style(s) and wattage/lumens) has been provided. Please note that the Historic District & Historical Commission will need to review and approve these.
  - h. The Town Engineer will be reviewing the surface drainage, subsurface drainage, drainage facilities and drainage plans and related calculations in detail and he will provide additional comments.
  - i. For the sewage disposal you will need to comply with Board of Health requirements. Now that parking is proposed over the septic the components will need to be rated for vehicle loads.
  - j. Will traffic arrows be painted on the pavement?
  - k. With regard to hydrant(s), it would be helpful to show any hydrants near to the site. Additionally, will or is there a Fire Department connection at the building?
  - l. We did see an overhead utility line to the accessory building; but did not see where the electricity comes into the main building. How will this be connected? Additionally, will each unit require its own meter and if so, where will the meters be located?
  - m. Are there gas or cable lines to the structures?
  - n. Specifications, details, cross sections are required for: lighting, curbing and parking (striping detail). The light should be showing the schematic wiring and the other electrical components on a utility plan.



- o. Within the accessory building – first floor – Accessible Unit: It does not appear that the bathroom meets the 5 foot circle requirement.
- 2. In addition to the sections of the zoning code already referenced the following subparagraphs pursuant to §325-18 – Additional Regulations, provide for the following:
  - I. All ways intended for use by vehicular traffic within the perimeter of a multifamily dwelling project shall be installed and constructed in accordance with the requirements governing road construction set forth in the Subdivision Rules and Regulations, as adopted from time to time by the Harwich Planning Board.
  - J. All multifamily dwellings must be connected to a municipal water system.
  - K. A habitable room in a multifamily dwelling unit shall not have a minimum floor area of less than 120 square feet and shall have no major width or length dimension less than 10 feet. Closets, storage spaces, bathrooms and kitchens are not habitable rooms for the purpose of these minimum area and dimension requirements.
    - (1) All outside entrances to multifamily dwellings shall be designed in such manner as to provide protection to the immediate area in front of said entrance from the weather.
    - (2) No outside staircase shall be used to furnish primary access to any of the units in a multifamily dwelling, hotel or motel.
  - L. No multifamily dwellings may be erected on any lot in the MRL or MRL-1 District the geographical center of which is closer than 1,500 feet to the geographical center of any lot upon which multifamily dwellings with more than four dwelling units are constructed, provided that, for the purpose of this subsection, contiguous lots in common ownership may be considered as a single parcel and developed for multifamily use, provided further that lots separated by a road, street or way will be considered contiguous for the purpose of this subsection and, if commonly owned, may be treated as one parcel for the purpose of multifamily construction.
- 3. 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 then the additional parking being added and the accessible entrance, the exterior of the buildings is not changing.
- 4. Reasonable conditions are recommended including:
  - a. Erosion control shall be install 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. This decision shall be recorded at the Barnstable Registry of Deeds.
  - e. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

5. At this time it is recommended that the applicants provide a presentation, the Board Members ask questions and provided for audience comments; however, the case should be continued to allow for submission of revised plans to address Board and staff comments and concerns and to allow for a subsequent review.

## **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 **PB2019-45 Royal Apartments LLC**, to no earlier than 6:30 pm on \_\_\_\_\_ (Next Meeting Dates: *Jan. 28, Feb. 11, Feb. 25*) for the following reason(s):  
*Need to provide reasons for the continuance...additional information.*



## Project Narrative

328 Bank Street  
Assessor's Parcel ID 41-N4  
Royal Apartments LLC  
Application for Site Plan Approval

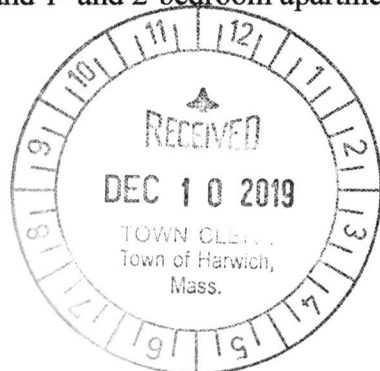
*December 10, 2019*

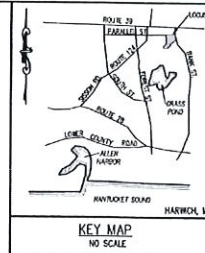
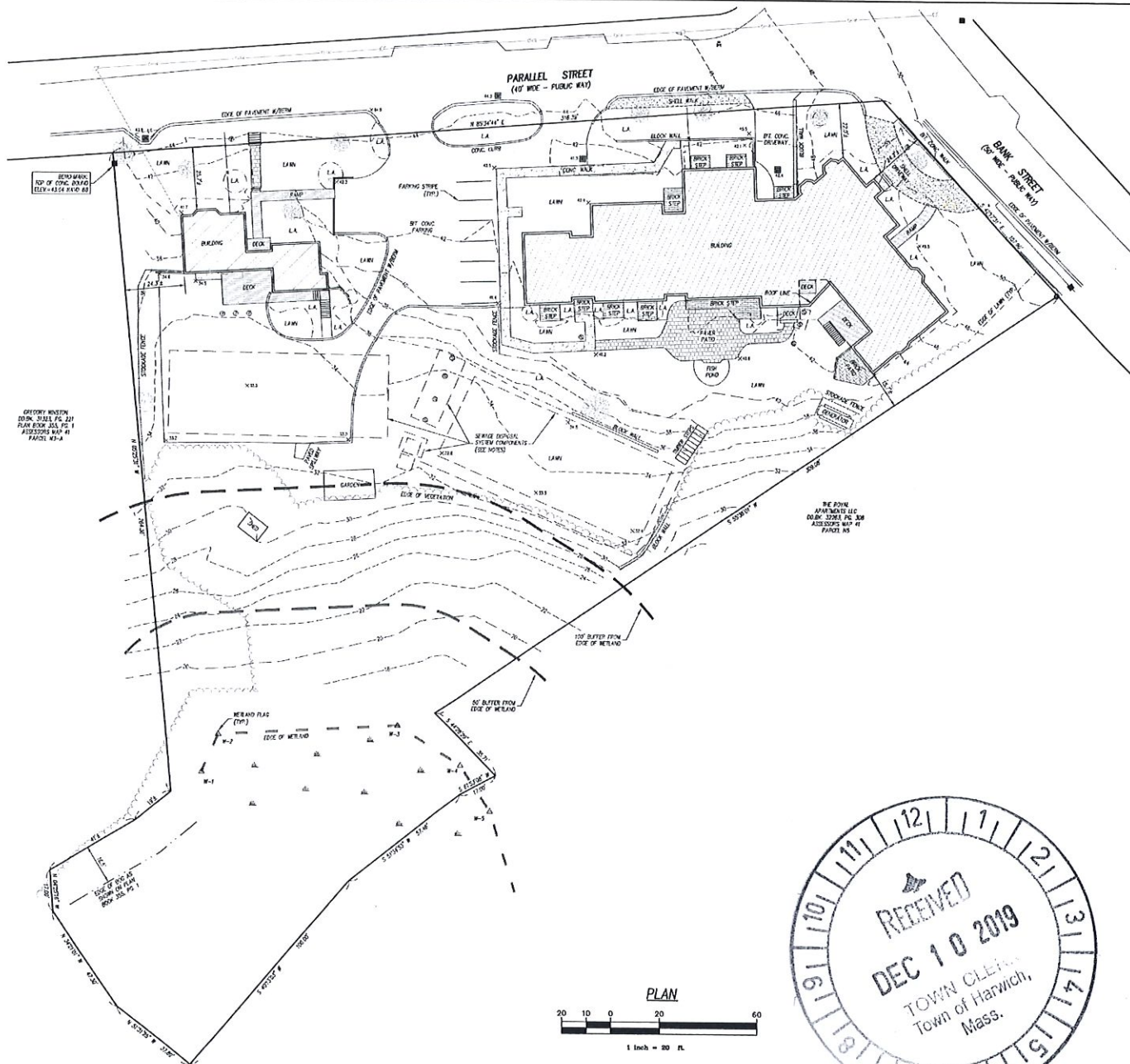
Applicant Royal Apartments LLC ("Royal Apartments") owns the land at 328 Bank Street, Assessor's Parcel ID 41-N4, which is a developed 82,443 sq. ft. parcel of land in Harwich's MR-L (Multifamily Residential - Low Density) zoning district and the Harwich Center Overlay District and the Harwich Center Historic District. The property has 424.3' of frontage along Parallel Street and Bank Street and is improved with two existing buildings, 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. Locus is currently used as the location of a nursing home / assisted living facility and a senior day care facility, which are allowed uses by special permit in the district under Bylaws §325, Attachment 1 (Use Regulations).

The applicant proposes converting the use of the property from the current nursing home / assisted living uses 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 [§ 325, Attachment 2 (Area Regulations)]) 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 (C)(2) [expansion or reconfiguration of an existing parking lot and/or driveway(s) in connection with a multifamily use.]

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 15% maximum building coverage and 80% 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 1- and 2-bedroom apartments in the two existing buildings, for a total of 33 bedrooms





#### REFERENCES:

ASSESSORS MAP 41, PARCEL N4

DEED BOOK 32043, PAGE 179

PLAN BOOK 303, PAGE 88

ZONING CLASSIFICATION:

MULTI FAMILY RESIDENTIAL LOW

DENSITY (MF-L)

HARWICH CENTER OVERLAY

DISTRICT

HARWICH CENTER HISTORIC

DISTRICT

DATUM NOTE:

ELEVATIONS SHOWN HEREON ARE BASED

ON THE NORTH AMERICAN VERTICAL

DATUM 1988 (NAVD 1988)

NOTES

1. EXISTING SEWAGE DISPOSAL SYSTEM

COMPONENTS SHOWN HEREON ARE FROM

ON THE GROUND "AS-BUILT" LOCATION

PERFORMED BY COASTAL ENGINEERING

COMPANY, INC. (DEC. 2008).

#### LEGEND

- BOUND
- CATCH BASIN
- ⊙ SEWER MANHOLE
- ⊙ GAS VALVE
- ⊙ LIGHTPOST
- ⊙ UTILITY POLE
- OVERHEAD UTILITY LINE
- FENCE
- ⊙ TREE
- CONTOUR
- x 41.4 SPOT GRADE
- LA LANDSCAPED AREA

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

DATE: Oct. 31, 2019

PLS. [Signature]

CERTIFICATE OF RECORDING

NO. 30000

1 OF 1 SHEETS

PROJECT NO. C16014.04



COASTAL  
engineering co.  
200 Commercial Street, Suite 100  
Harwich, MA 02645  
508.231.0017

KEY MAP  
NO SCALE

PROJECT NO.

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

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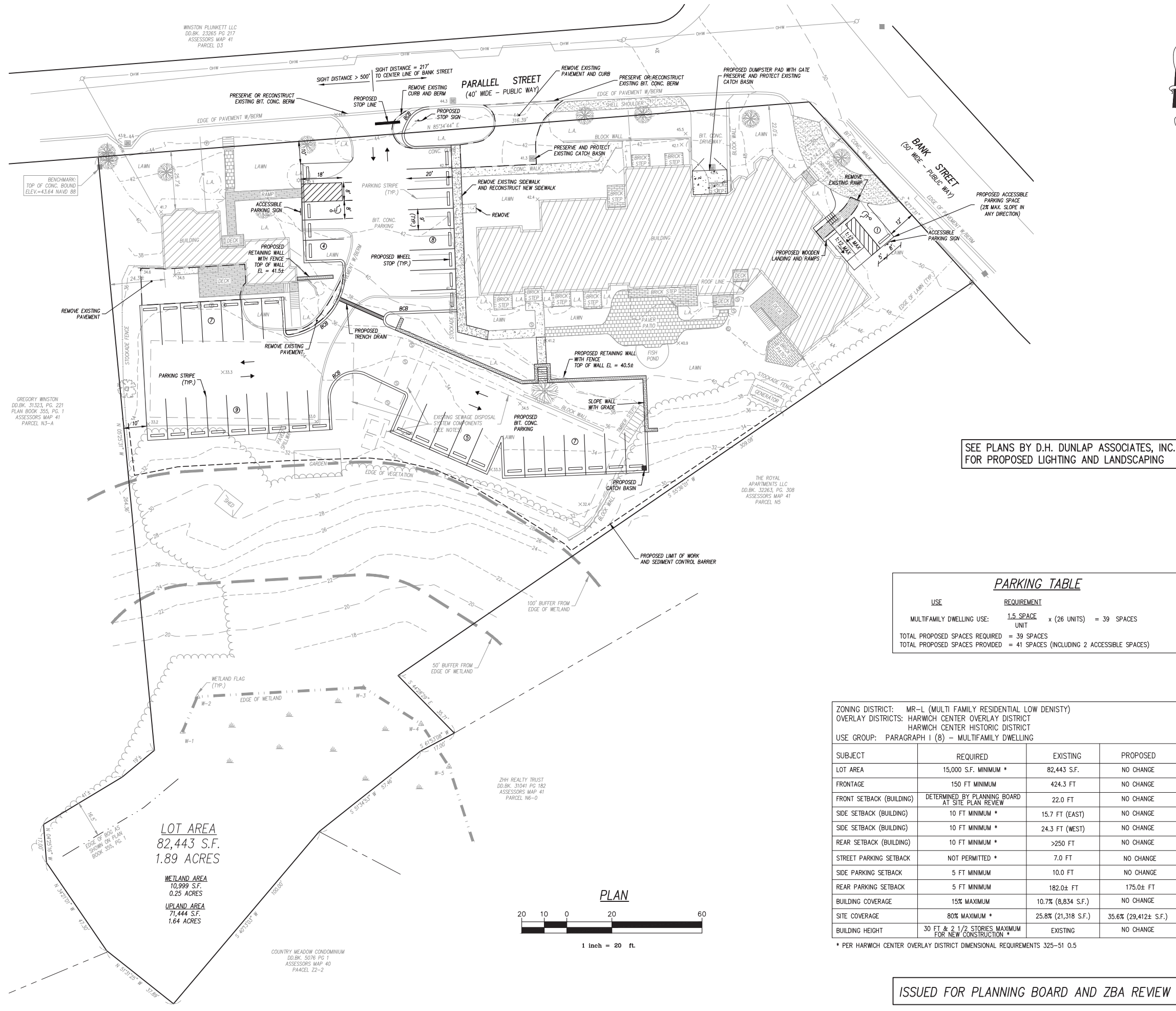
DATE

BY

DATE

BY



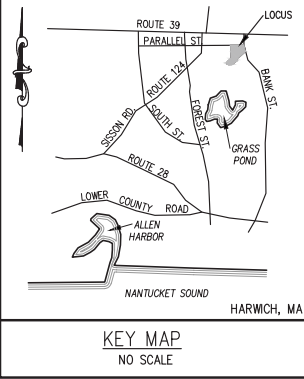


PARKING TABLE	
USE	REQUIREMENT
MULTIFAMILY DWELLING USE:	1.5 SPACE UNIT x (26 UNITS) = 39 SPACES
TOTAL PROPOSED SPACES REQUIRED	= 39 SPACES
TOTAL PROPOSED SPACES PROVIDED	= 41 SPACES (INCLUDING 2 ACCESSIBLE SPACES)

ZONING DISTRICT: MR-L (MULTI FAMILY RESIDENTIAL LOW DENSITY)			
OVERLAY DISTRICTS: HARWICH CENTER OVERLAY DISTRICT HARWICH CENTER HISTORIC DISTRICT			
USE GROUP: PARAGRAPH I (8) - MULTIFAMILY DWELLING			
SUBJECT	REQUIRED	EXISTING	PROPOSED
LOT AREA	15,000 S.F. MINIMUM *	82,443 S.F.	NO CHANGE
FRONTAGE	150 FT MINIMUM	424.3 FT	NO CHANGE
FRONT SETBACK (BUILDING)	DETERMINED BY PLANNING BOARD AT SITE PLAN REVIEW	22.0 FT	NO CHANGE
SIDE SETBACK (BUILDING)	10 FT MINIMUM *	15.7 FT (EAST)	NO CHANGE
SIDE SETBACK (BUILDING)	10 FT MINIMUM *	24.3 FT (WEST)	NO CHANGE
REAR SETBACK (BUILDING)	10 FT MINIMUM *	>250 FT	NO CHANGE
STREET PARKING SETBACK	NOT PERMITTED *	7.0 FT	NO CHANGE
SIDE PARKING SETBACK	5 FT MINIMUM	10.0 FT	NO CHANGE
REAR PARKING SETBACK	5 FT MINIMUM	182.0± FT	175.0± FT
BUILDING COVERAGE	15% MAXIMUM	10.7% (8,834 S.F.)	NO CHANGE
SITE COVERAGE	80% MAXIMUM *	25.8% (21,318 S.F.)	35.6% (29,412± S.F.)
BUILDING HEIGHT	30 FT & 2 1/2 STOREYS MAXIMUM FOR NEW CONSTRUCTION *	EXISTING	NO CHANGE

\* PER HARWICH CENTER OVERLAY DISTRICT DIMENSIONAL REQUIREMENTS 325-51 0.5

ISSUED FOR PLANNING BOARD AND ZBA REVIEW



#### REFERENCES:

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

#### OWNER:

ROYAL APARTMENTS LLC  
8 ALTON PLACE  
BROOKLINE, MA 02446

#### APPLICANT:

ROYAL APARTMENTS LLC  
8 ALTON PLACE  
BROOKLINE, MA 02446

#### DATUM NOTE:

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

#### NOTES

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

#### LEGEND

##### EXISTING

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

##### PROPOSED

- CONTOUR
- SPOT GRADE
- CATCH BASIN
- BITUMINOUS CONCRETE BERM

COASTAL  
engineering co.  
300 Quabbin Hwy, Harwich, MA 02543  
508-255-6611

NO.	DATE	REVISION	BY

DAVID J. MICHNEWICZ  
CIVIL  
NO. 31497  
STATE OF MASSACHUSETTS

ROYAL APARTMENTS, LLC  
328 BANK STREET  
HARWICH, MA

PLAN SHOWING PROPOSED  
SITE LAYOUT AND MATERIALS

PROJECT: C16014-04-C.dwg  
DRAWING FILE: C16014-04-C.dwg  
DATE: 12-5-19  
DRAWN BY: CEM  
CHECKED BY: CEM

SCALE: AS NOTED

C2.1.1

— OF — SHEETS  
PROJECT NO. C16014.04

DRAINAGE TEST HOLE LOGS

NO SCALE

DATE OF TESTS : DECEMBER 2, 2019

WITNESSED BY : JOHN SCHNAIBLE, CEC

DRAINAGE TEST HOLE 1 EL. = 41.2±

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

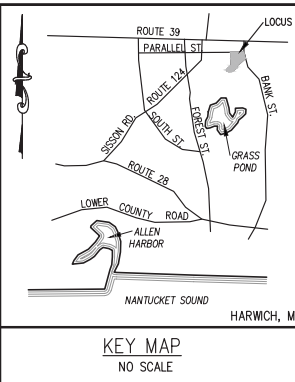
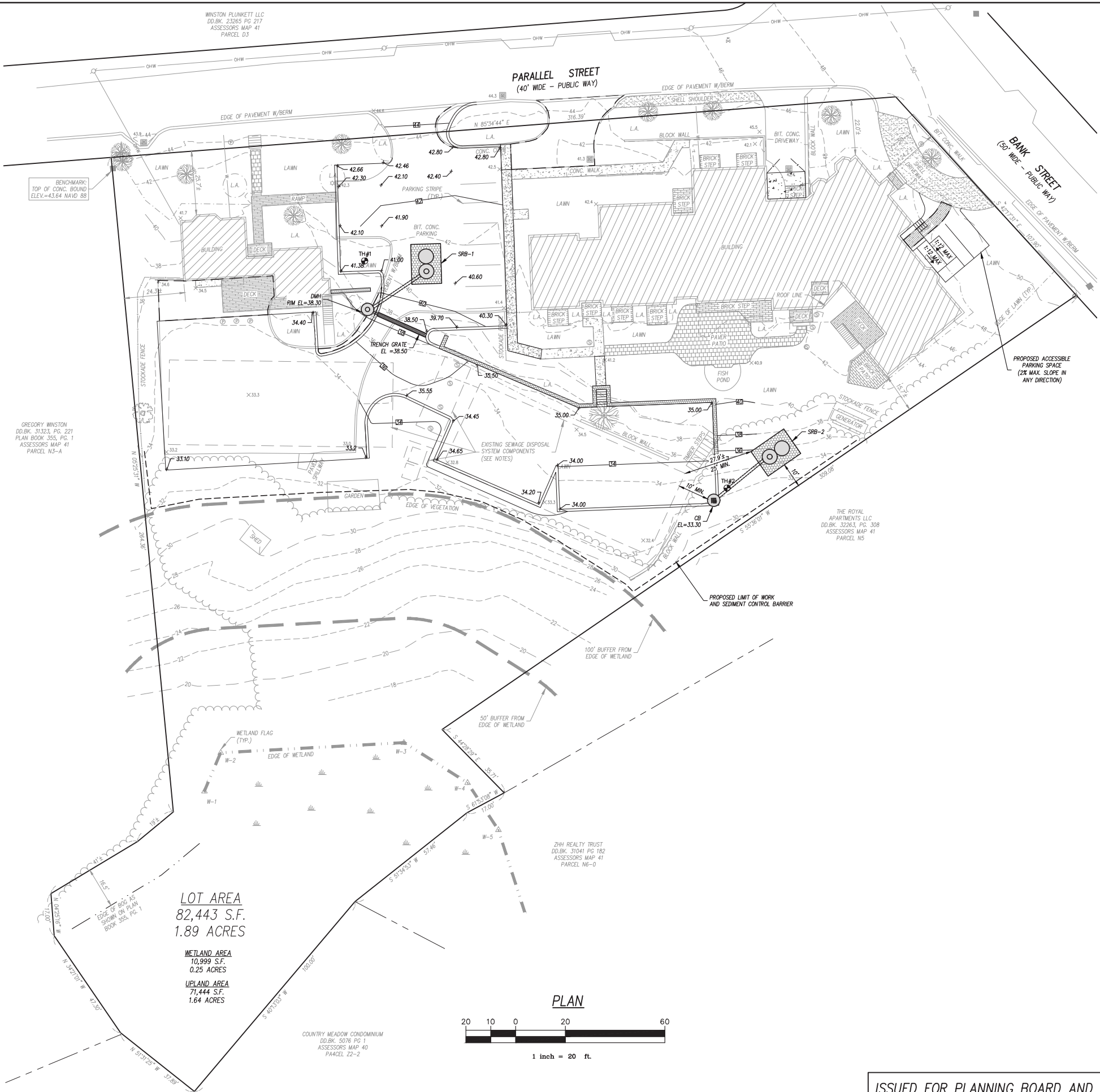
NO GROUNDWATER ENCOUNTERED

DRAINAGE TEST HOLE 2 EL. = 32.6±

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

NO GROUNDWATER ENCOUNTERED

THE PROPOSED STORMWATER DRAINAGE SYSTEMS ARE DESIGNED FOR THE 100-YR STORM USING HYDROCAD MODELING SOFTWARE AND FIELD MEASURED SOIL INFILTRATION RATES.



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

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

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

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

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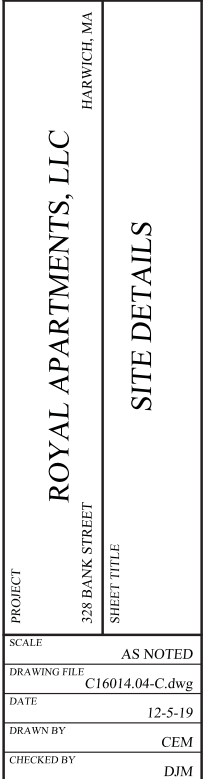
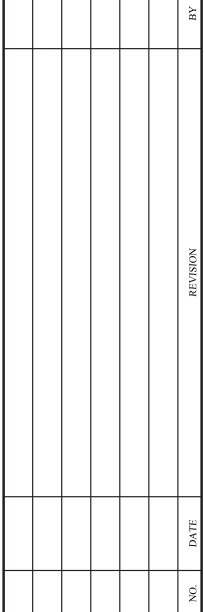
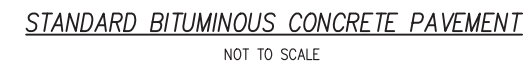
LEGEND	
EXISTING	
■	BOUND
■	CATCH BASIN
⊙	SEWER MANHOLE
⊗	GAS VALVE
⊕	LIGHTPOST
⊙	UTILITY POLE
— OHW —	OVERHEAD UTILITY LINE
— F —	FENCE
⊙	TREE
— 30 —	CONTOUR
X 41.4	SPOT GRADE
L.A.	LANDSCAPED AREA
PROPOSED	
— 40 —	CONTOUR
35.00	SPOT GRADE
■	CATCH BASIN
TH#1	DRAINAGE TEST HOLE
SRB	STORMWATER RECHARGE BASIN

ISSUED FOR PLANNING BOARD AND ZBA REVIEW

300 Galesway Hwy, Orleans, MA 01956  
508.255.6611 • 508.255.6612

PROJECT	ROYAL APARTMENTS, LLC	BY	
SCALE	AS NOTED	REVISION	
DRAWING FILE	C16014.04-C.dwg	DATE	
DATE	12-5-19	NO.	
DRAWN BY	CEM		
CHECKED BY	DJM		
SHEET TITLE		DATE	
PLAN SHOWING PROPOSED GRADING AND DRAINAGE			
PROJECT NO.		C16014.04	





## C2.4.1

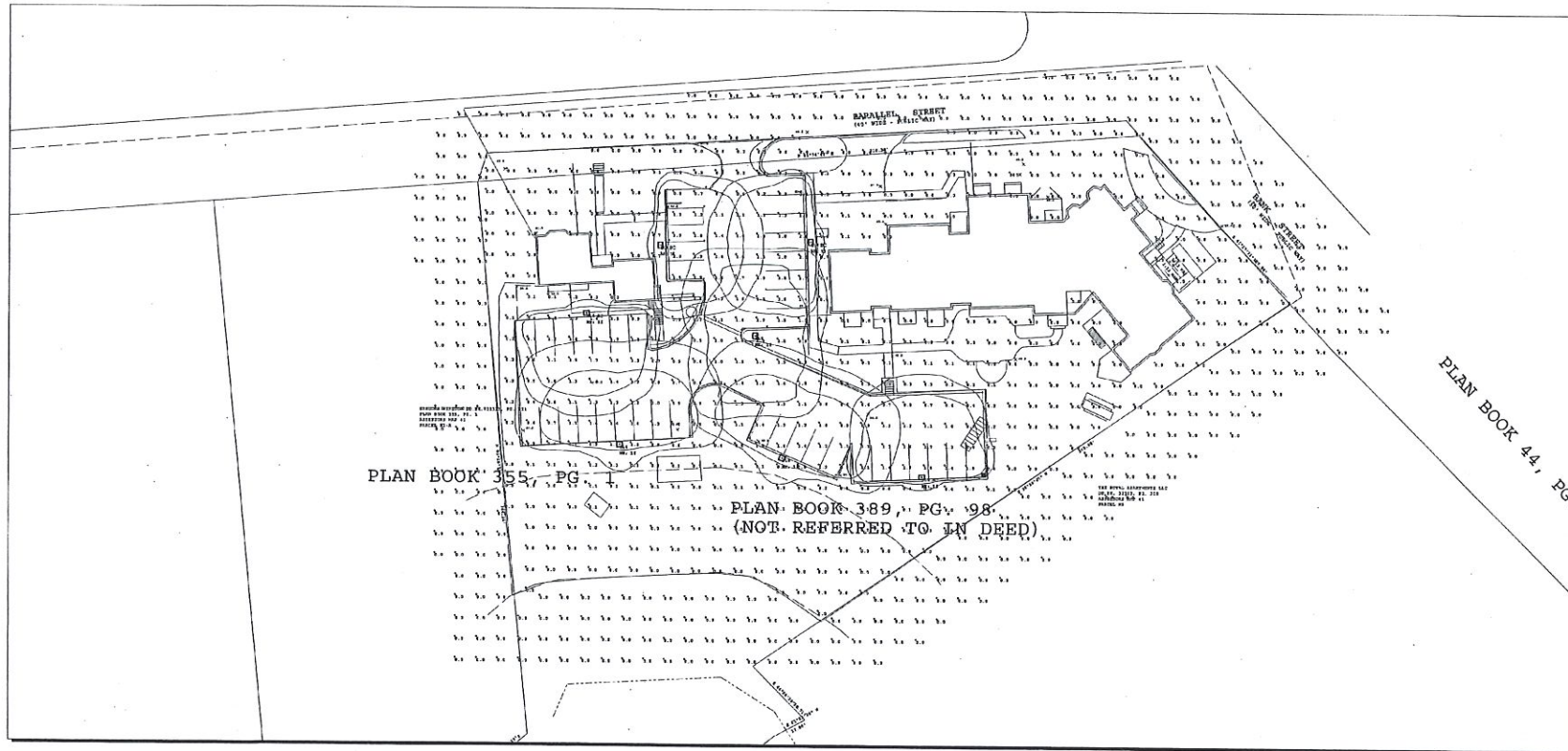
<div style="text-align: center;">             — OF — SHEETS           </div>	
PROJECT NO.	C16014.04

ISSUED FOR PLANNING BOARD AND ZBA REVIEW









Luminaire Schedule

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

Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Site Planar	Illuminance	Fc	0.39	2.2	0.0	N.A.	N.A.
Spill	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.
Driveways and Parking	Illuminance	Fc	1.16	2.2	0.0	N.A.	N.A.



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100 WESTER STREET, UNIT 10  
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Phone: (781) 876-0000 Fax: (781) 876-0000  
email: David@DHDunlap.com

Parking Lot Lighting and Photometric Plan

Royal Apartments

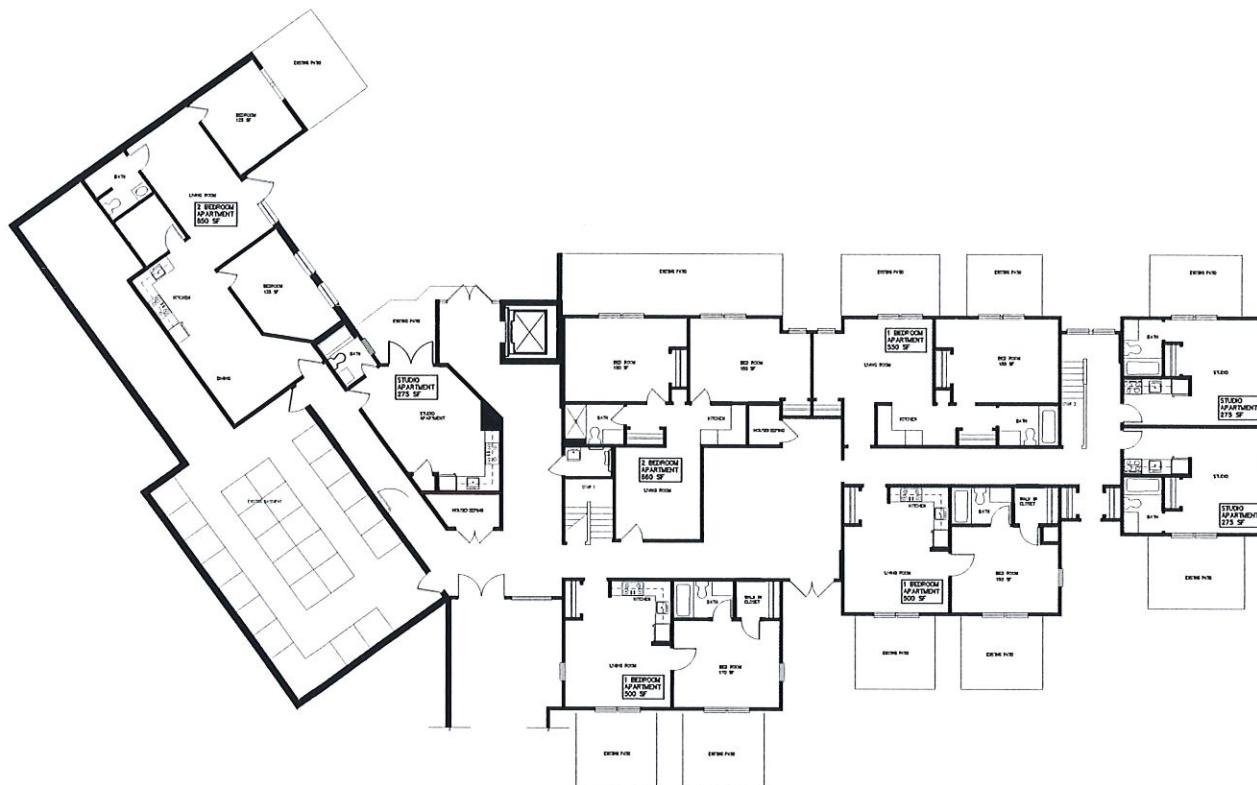
HARTWICH, MA

SCALE: 1" = 20'  
DATE: 9/24/19

DR BY:  
MCH

SP-2





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

APARTMENT MIX CHART				
LOCATION	STUDIO	1 BD RM	2 BD RM	TOTAL
GROUND FLOOR	3	3	2	8
FIRST FLOOR	1	1	1	3
SECOND FLOOR	0	3	1	4
THIRD FLOOR	0	0	1	1
ACCESSORY	1	1	2	4
TOTAL	5	14	7	26



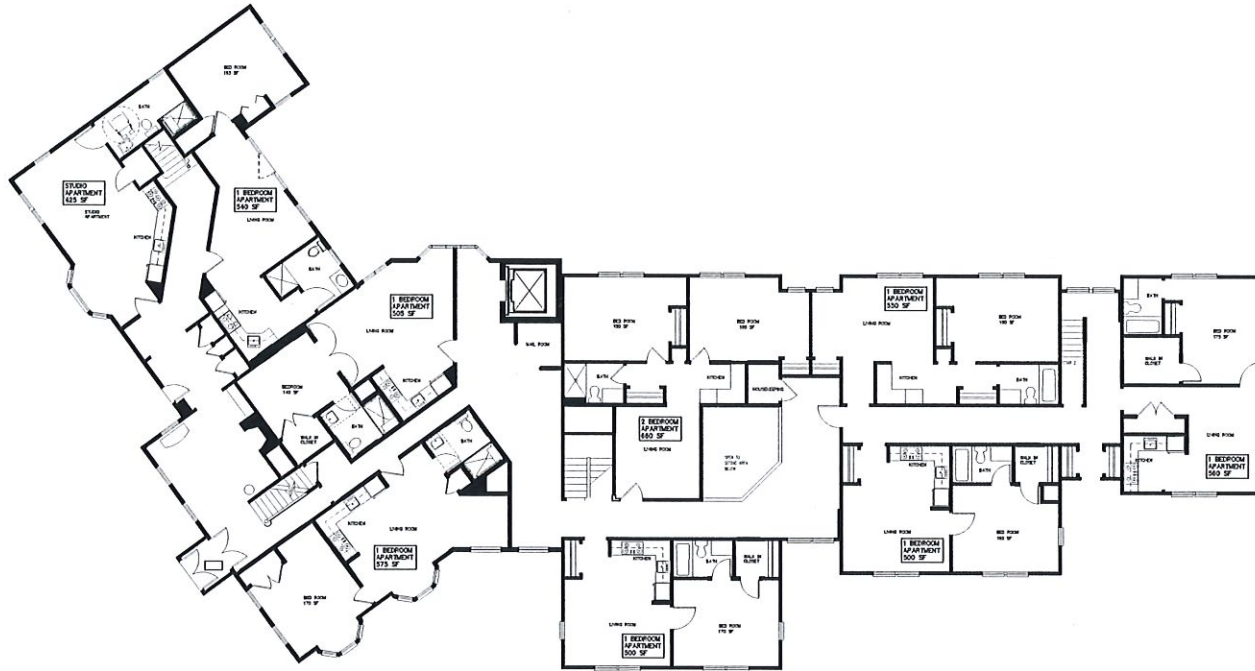
David H. Dunlap Associates Inc.  
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105 WESTER STREET, UNIT 100  
HARWICH, MA 01946  
PHONE: (781) 878-0046 FAX: (781) 878-0046  
email: David@DHDunlap.com

Harwich, MA

GROUND FLOOR PLAN  
Royal Apartments

SCALE: 1/8" = 1'-0"  
DATE: 9/24/19 DR. BY: MCN

A-1



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

FIRST FLOOR PLAN

Royal Apartments

HARVICH MA

SCALE: 1/8" = 1'-0"  
DATE: 9/24/12 DR: BJS  
LAC

A-2

David H. Dunlap Associates Inc.  
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105 WEBSTER STREET, UNIT 100  
HARVICH, MASSACHUSETTS 01930  
TEL: 508.253.1100 FAX: 508.253.1101  
email: david@dunlapassoc.com

**Professional Seal:**  
DAVID H. DUNLAP  
REGISTERED PROFESSIONAL ENGINEER  
No. 2829  
STATE OF MASSACHUSETTS





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



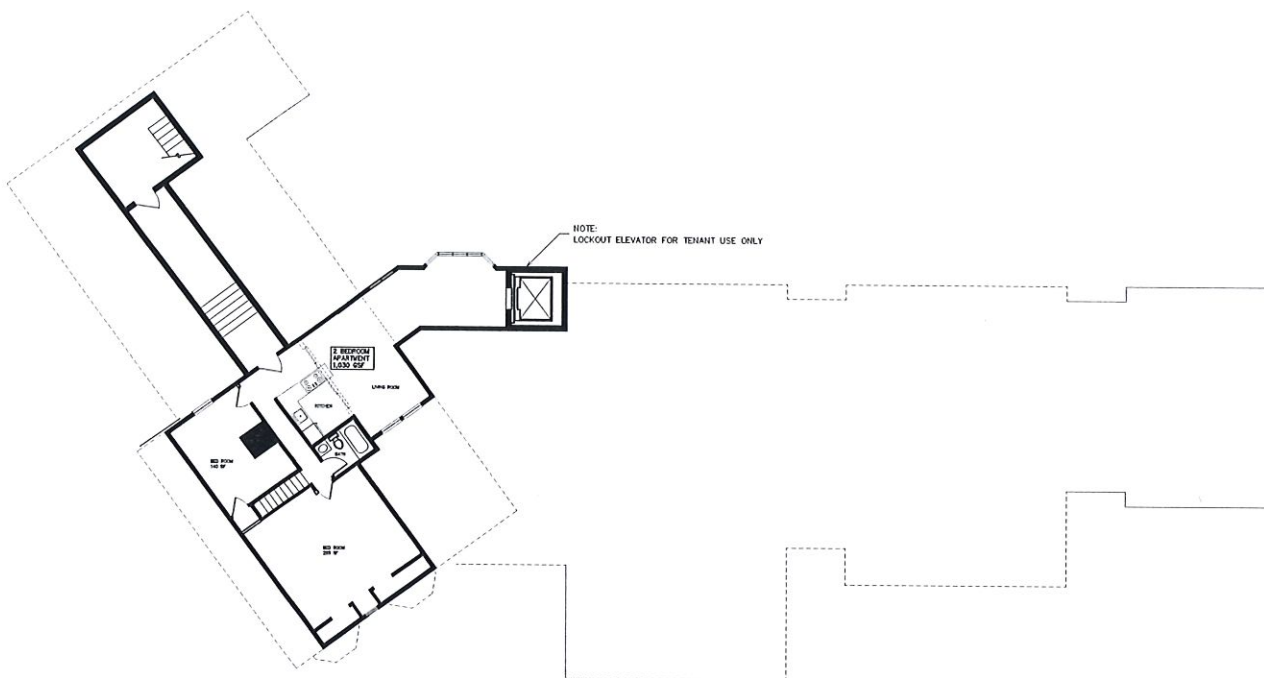
David H. Dunlap Associates, Inc.  
ARCHITECTS • ENGINEERS • PLANNERS  
105 WEBSTER STREET, UNIT 1  
HANOVER, MASSACHUSETTS 01927  
PHONE: (781) 878-0066 FAX: (781) 878-0060  
email: David@DHDunlap.com

David H. Dunlap Associates, Inc. is an Equal Opportunity Employer.  
Minority and women are encouraged to apply. All qualified applicants will be considered for employment without regard to race, sex, age, religion, or national origin.

SECOND FLOOR PLAN  
Royal Apartments  
HARWICH MA

SCALE: 1/8" = 1'-0"  
DATE: 9/24/19 DR. BY: MCH

A-3



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



*David H. Dunlap*

David H. Dunlap Associates, Inc.  
ARCHITECTS • ENGINEERS • PLANNERS  
10 WEBSTER STREET, UNIT 1  
ROSLINDALE, MASSACHUSETTS 02131  
PHONE: (781) 878-0665 FAX: (781) 878-7700  
email: David@DHDunlap.com

David H. Dunlap, Architect, No. 35197, State of Massachusetts  
For the purpose of this plan, the architect is not responsible for the design of the building structure or the mechanical, electrical, or plumbing systems.

THIRD FLOOR PLAN

Royal Apartments

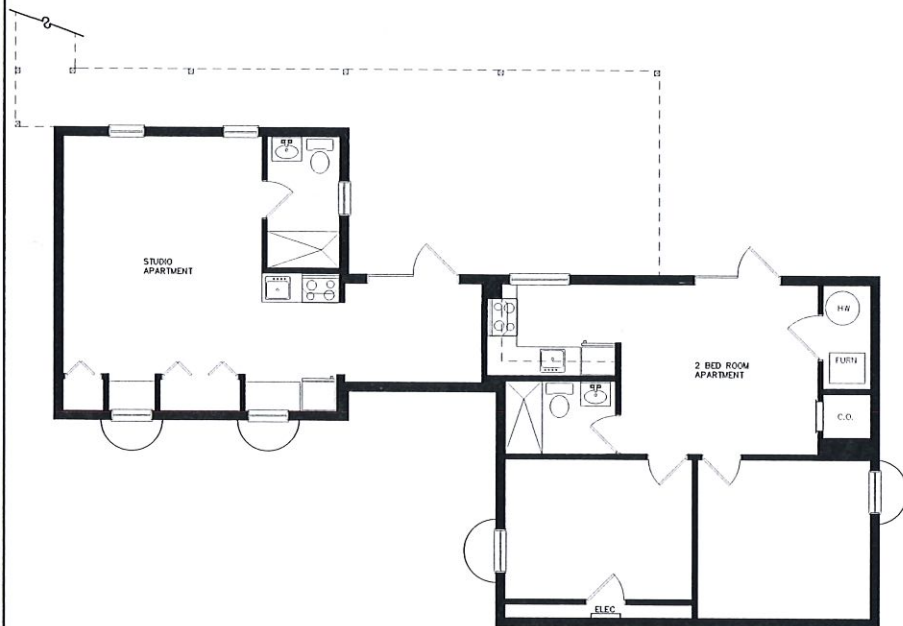
HARWICH MA

SCALE: 1/8" = 1'-0"  
DATE: 8/24/19

DR BY:  
MCH

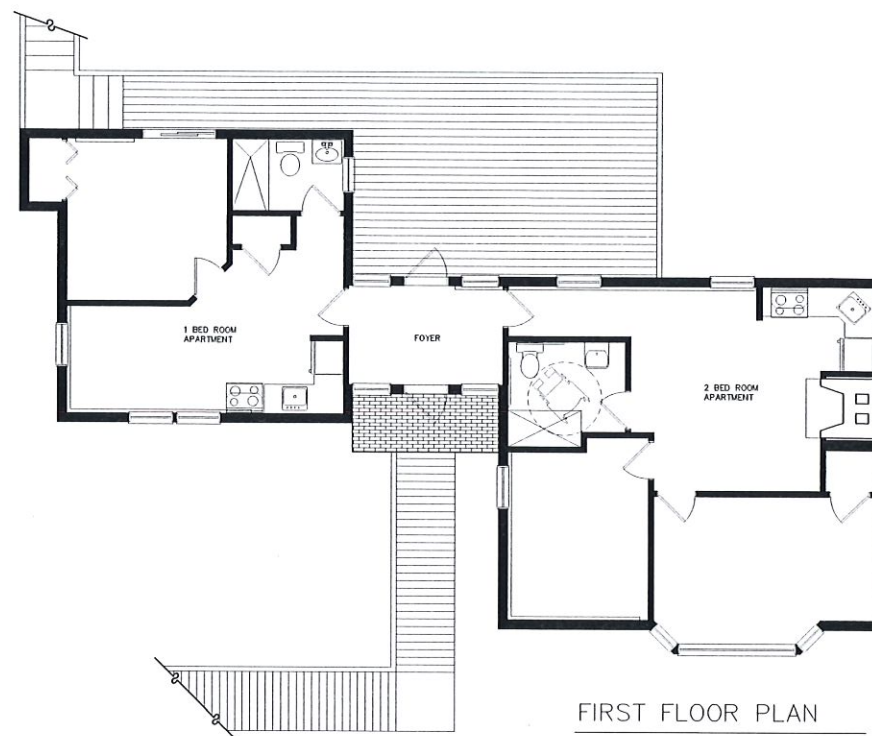
A-4





GROUND FLOOR PLAN

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



FIRST FLOOR PLAN

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

APARTMENT MIX CHART				
LOCATION	STUDIO	1 BD RM	2 BD RM	TOTAL
GROUND FLOOR	1	0	1	2
FIRST FLOOR	0	1	1	2
TOTAL	1	1	2	4



David H. Dunlap Associates Inc.  
ARCHITECTS \* ENGINEERS \* PLANNERS  
105 WEBSTER STREET, UNIT 100  
HARVEY, MASSACHUSETTS 02043  
PHONE: (781) 878-0066 FAX: (781) 878-7200  
email: David@DHDunlap.com

ACCESSORY BUILDING  
FLOOR PLAN  
Royal Apartments  
HARVEY, MA

SCALE 1/8" = 1'-0"  
DATE: 9/18/19 DR: B/M

A-5



NEW WHITE VINYL FENCE  
AND GATE 6'-0" HIGH

Front Elevation  
1/8" = 1'-0"

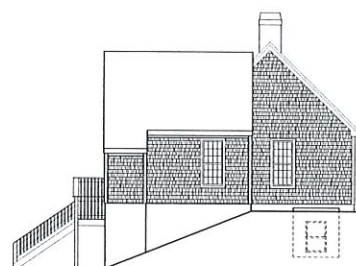


NOTE:  
EXTERIOR FINISH MATERIAL TO REMAIN UNLESS REPAIR IS REQUIRED  
AND WILL BE REPAIRED BY KMD.

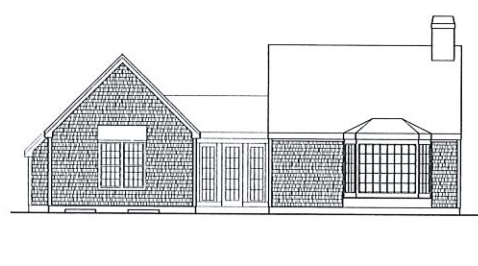
Rear Elevation  
1/8" = 1'-0"



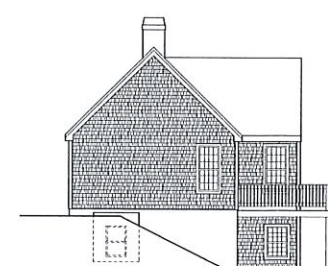
Rear Elevation  
1/8" = 1'-0"



Side Elevation  
1/8" = 1'-0"



Front Elevation  
1/8" = 1'-0"



Side Elevation  
1/8" = 1'-0"



David H. Dunlap Associates, Inc.  
ARCHITECTS • ENGINEERS • PLANNERS  
UNIT 3  
105 WEBSTER STREET  
HANDOVER, MASSACHUSETTS 02320  
PHONE (781) 878-0066 FAX: (781) 878-7060  
email: David@DHDunlap.com

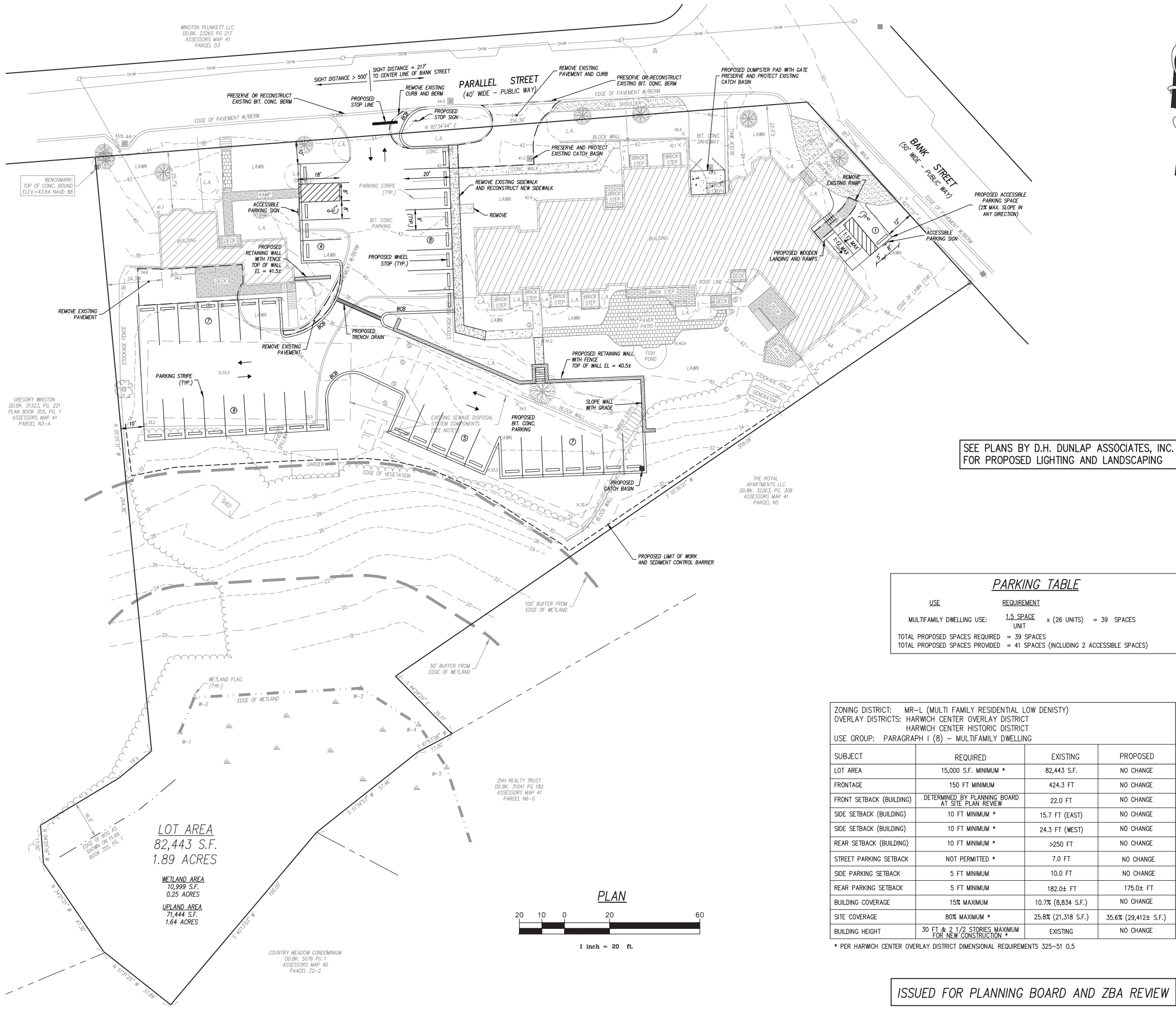
David H. Dunlap Associates, Inc.  
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UNIT 3  
105 WEBSTER STREET  
HANDOVER, MASSACHUSETTS 02320  
PHONE (781) 878-0066 FAX: (781) 878-7060  
email: David@DHDunlap.com

EXTERIOR ELEVATIONS  
Royal Apartments  
HARWICH, MA

SCALE: 1/8" = 1'-0"  
DATE: 9/24/19 DR. BY: MKN

A-6



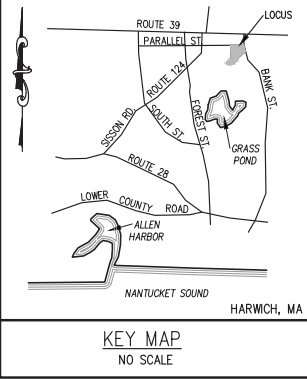


PARKING TABLE	
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\* PER HARWICH CENTER OVERLAY DISTRICT DIMENSIONAL REQUIREMENTS 325-51 0.5

ISSUED FOR PLANNING BOARD AND ZBA REVIEW



REFERENCES:  
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DATUM NOTE:  
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DATUM 1988 (NAVD 1988)

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- THE EXISTING SEWAGE DISPOSAL SYSTEM HAS A PERMITTED DESIGN FLOW OF 4,773 GPD WHICH IS GREATER THAN THE PROPOSED DESIGN FLOW OF 4,730 GPD (43 BEDROOMS AT 110 GPD)

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  - BITUMINOUS CONCRETE BERM

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508-255-6611

NO.	DATE	REVISION	BY

DAVID J. MICHNEWICZ  
CIVIL  
NO. 31407  
MASSACHUSETTS

ROYAL APARTMENTS, LLC  
328 BANK STREET  
HARWICH, MA

PLAN SHOWING PROPOSED  
SITE LAYOUT AND MATERIALS

PROJECT: C16014-04-C.dwg  
DRAWING FILE: C16014-04-C.dwg  
DATE: 12-5-19  
DRAWN BY: CEM  
CHECKED BY: CEM

SCALE: AS NOTED

C2.1.1

— OF — SHEETS  
PROJECT NO. C16014.04

NO SCALE

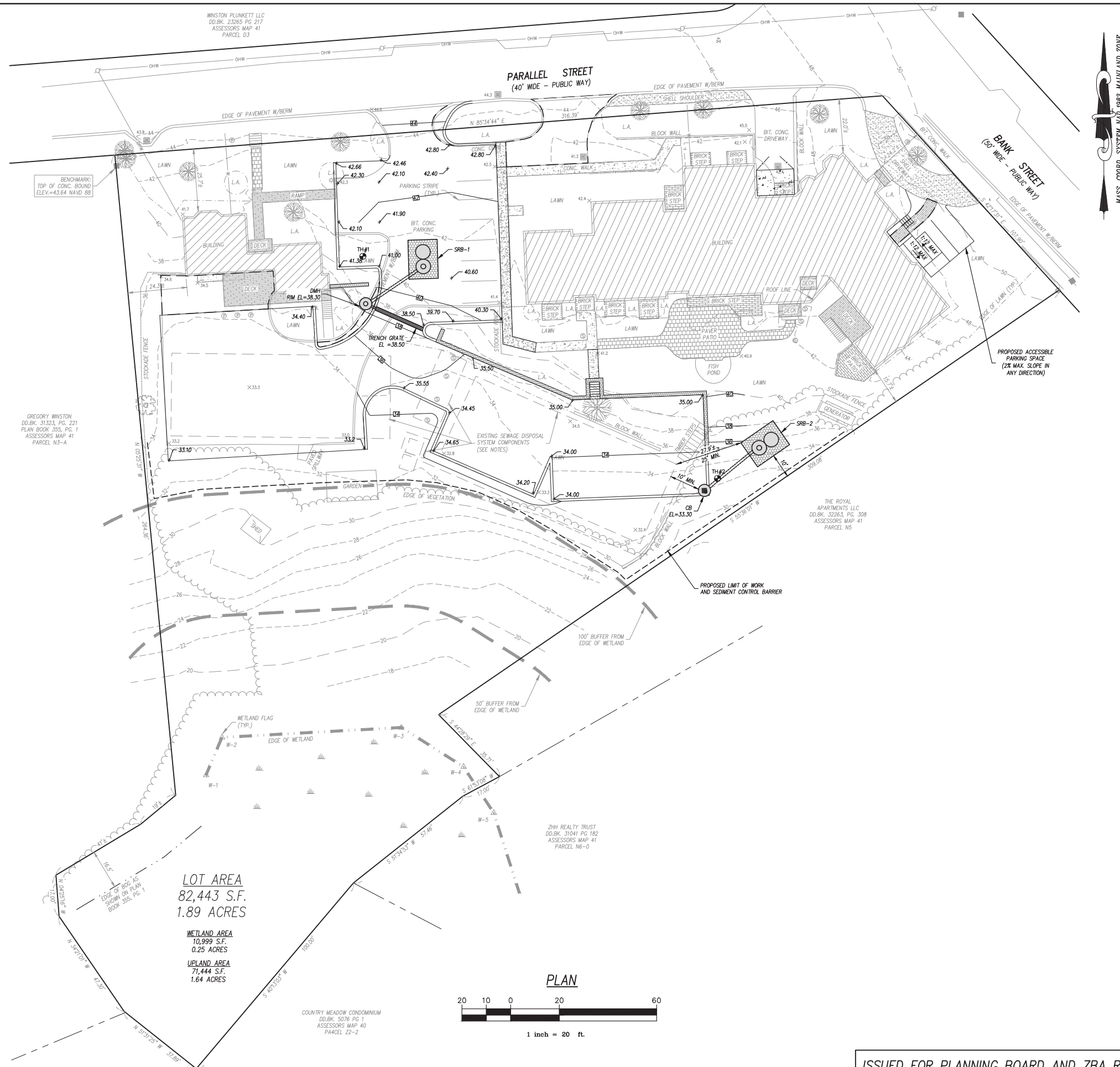
DATE OF TESTS : DECEMBER 2, 2019

WITNESSED BY : JOHN SCHNAIBLE, CEO

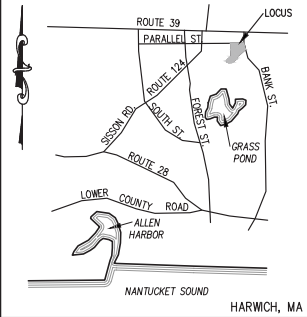
DRAINAGE TEST HOLE 1 EL. = 41.2±		
DEPTH FROM SURFACE	SOIL HORIZON	SOIL TEXTURE
0" - 13"	A	TOPSOIL
13" - 33"	B	SUBSOIL
33" - 132"	C	MED TO COARSE SAND (LOOSE)

DRAINAGE TEST HOLE 2 EL. = 32.6±		
DEPTH FROM SURFACE	SOIL HORIZON	SOIL TEXTURE
0" - 18"	A	TOPSOIL
18" - 36"	B	SUBSOIL
36" - 120"	C	MED TO COARSE SAND (LOOSE)

THE PROPOSED STORMWATER DRAINAGE SYSTEMS ARE DESIGNED FOR THE 100-YR STORM USING HYDROCAD MODELING SOFTWARE AND FIELD MEASURED SOIL INFILTRATION RATES.



ISSUED FOR PLANNING BOARD AND ZBA REVIEW



KEY MAP  
NO SCALE

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

ROYAL APARTMENTS LLC  
8 ALTON PLACE  
BROOKLINE, MA 02446

ROYAL APARTMENTS LLC  
8 ALTON PLACE  
BROOKLINE, MA 02446

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

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

EXISTING

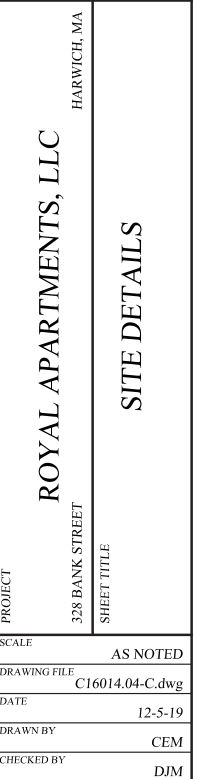
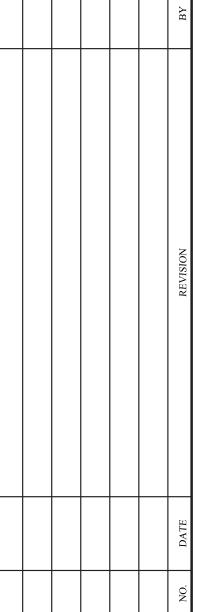
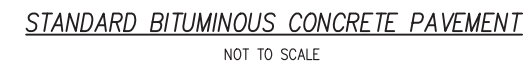
- 
- BOUNDARY  
 ■ CATCH BASIN  
 ○ SEWER MANHOLE  
 ○ GAS VALVE  
 ○ LIGHTPOST  
 ○ UTILITY POLE  
 — OVERHEAD UTILITY LINE  
 — FENCE  
 ○ TREE  
 — 30' — CONTOUR  
 X 41.4 SPOT GRADE  
 L.A. LANDSCAPED AREA  
**PROPOSED**  
 ■ CONTOUR  
 35.00' SPOT GRADE  
 ■ CATCH BASIN  
 ○ DRAINAGE TEST HOLE  
 ○ STORMWATER RECHARGE BASIN

ROYAL APARTMENTS, LLC  
PLAN SHOWING PROPOSED  
GRADING AND DRAINAGE

### C2.2.1

— OF — SHEETS
PROJECT NO. <span style="float: right;">C16014.04</span>

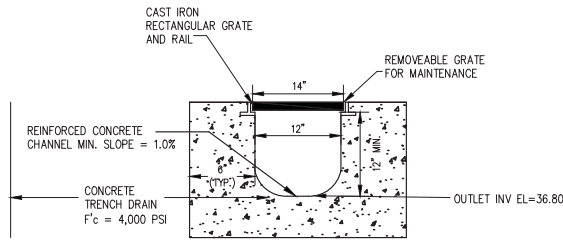




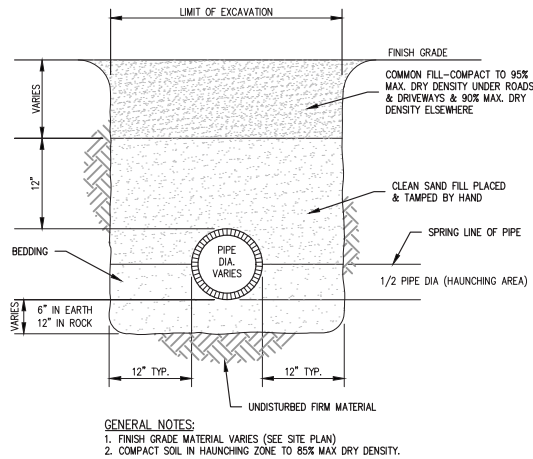
## C2.4.1

<div style="text-align: center;">             — OF — SHEETS           </div> <div>             PROJECT NO. <span style="float: right;">C16014.04</span> </div>
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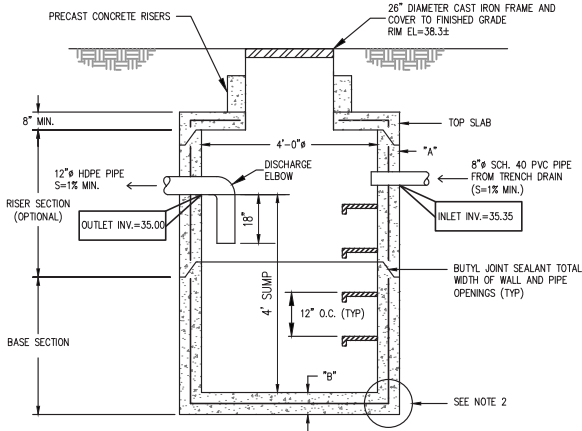
ISSUED FOR PLANNING BOARD AND ZBA REVIEW



TRENCH DRAIN DETAIL  
(NOT TO SCALE)

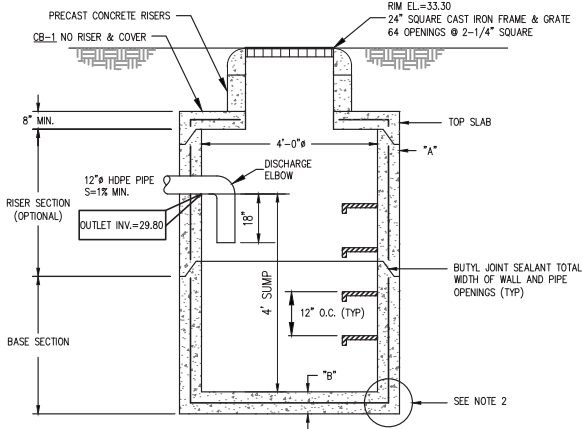


UTILITY TRENCH  
(NOT TO SCALE)



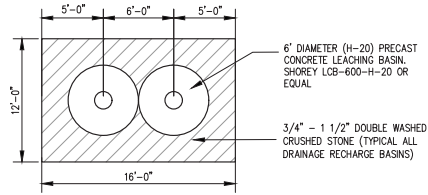
PRECAST CONCRETE DRAINAGE MANHOLE  
(NOT TO SCALE)

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



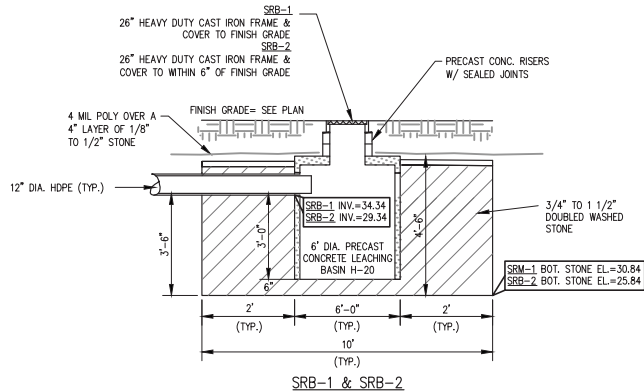
PRECAST CONCRETE CATCH BASIN  
(NOT TO SCALE)

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



TYPICAL DETAILS OF STORMWATER RECHARGE BASINS  
(NOT TO SCALE)

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



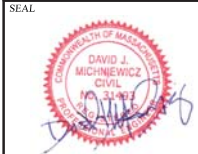
- NOTES:
1. \*\* DRAINAGE RECHARGE STRUCTURES TO BE PLACED IN CLEAN COARSE SAND. CONTRACTOR TO PERFORM A SOIL TEST AND NOTIFY ENGINEER FOR ON SITE INSPECTION OF SOILS PRIOR TO INSTALLATION OF ANY DRAINAGE SYSTEM COMPONENTS. STRUCTURE MAY BE PLACED ABOVE COARSE SAND LAYER PROVIDED CONTRACTOR PERFORMS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

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

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

ISSUED FOR PLANNING BOARD AND ZBA REVIEW

BY	
REVISION	
DATE	
NO.	

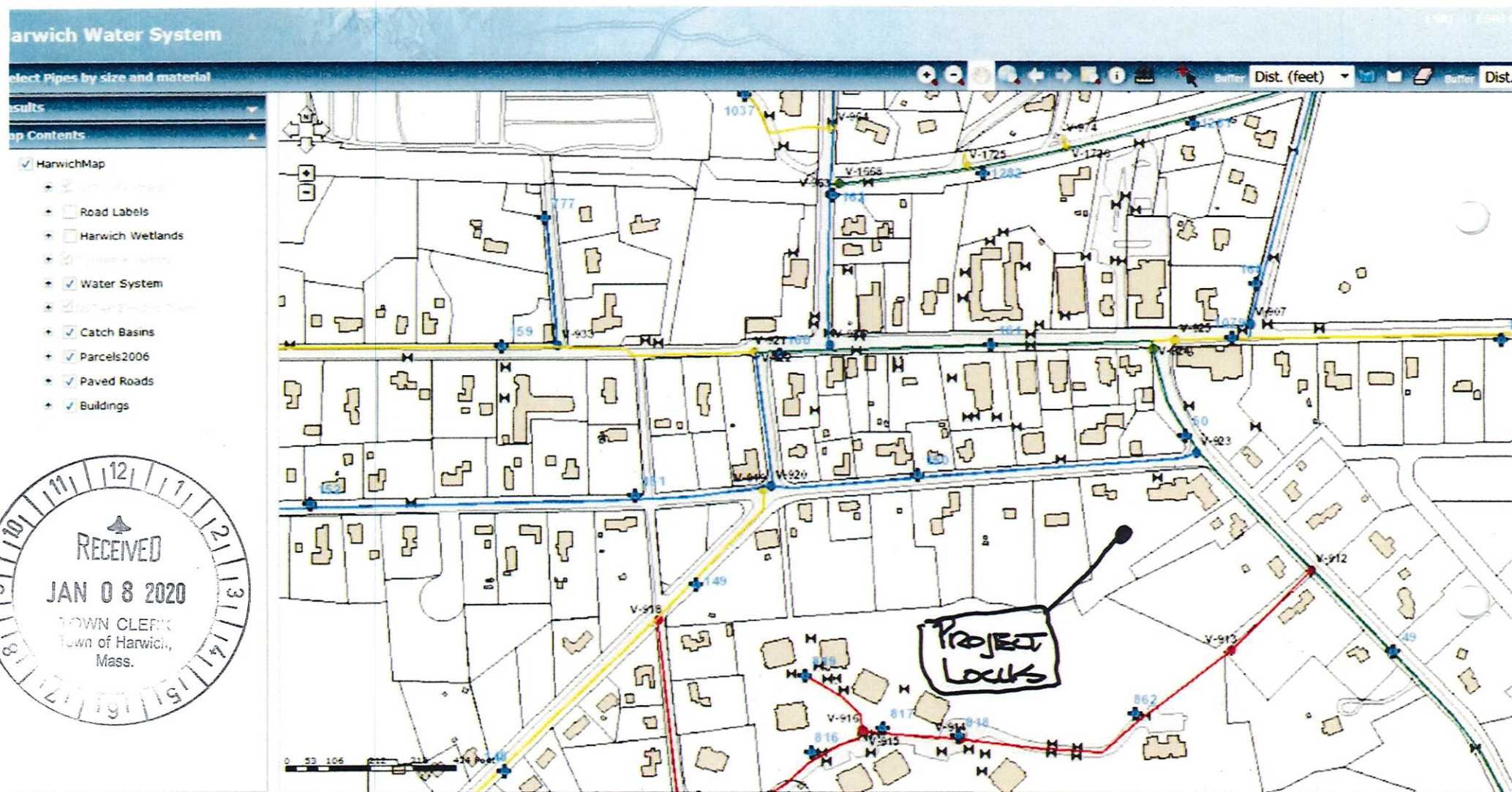


PROJECT	ROYAL APARTMENTS, LLC HARWICH, MA
328 BANK STREET	
SHEET TITLE	UTILITY DETAILS

SCALE	AS NOTED
DRAWING FILE	C16014.04-C.dwg
DATE	12-5-19
DRAWN BY	CEM
CHECKED BY	DJM



# SKETCH PLAN SHOWING LOCATION OF FIRE HYDRANTS IN THE VICINITY OF ROYAL APARTMENTS LLC



SOURCE: TOWN OF HARWICH WEBSITE

COASTAL ENGINEERING CO., INC.

PROJECT # CLK014.04

1/6/2020

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

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## AGENDA ITEM II.D

March 3, 2020

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

On January 28, 2020 the Planning Board voted unanimously to send the proposed zoning amendment relative to the expansion of the Industrial Zoning District 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 29, 2020.

On February 3, 2020 Board of Selectmen voted to refer the proposed zoning amendment relative to the expansion of the Industrial Zoning District to the Planning Board. This was forwarded to the Planning Board on February 4, 2020.

The legal notice for this amendment was sent to the *Cape Cod Chronicle* on February 12, 2020 for publication in the February 20 and February 27, 2020 editions.

On February 19, 2020 the required notice and copies of the full text and revised zoning map, were 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 20, 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, March 10, 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, March 10, 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 amend the Code of the Town of Harwich, §325-4 and Attachment 4 – The Zoning Map, by extending the Industrial (I-L) Zoning District westerly along Queen Anne Road and the existing I-L zoning district as shown on the amended Zoning Map, dated January 23, 2020, a copy of which is on file in the Town Clerk’s Office.

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 2/20/2020, 2/27/2020

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**Below Please find an Explanation and Description of the proposed changes to the Zoning Map and a full copy of §325-4 from the Zoning Bylaws**

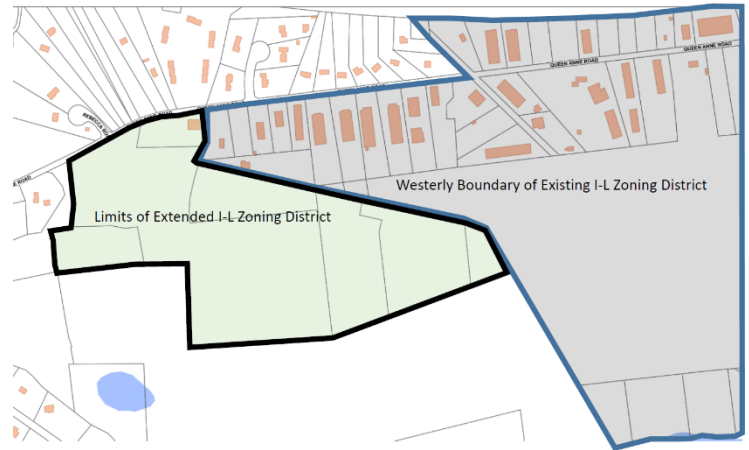
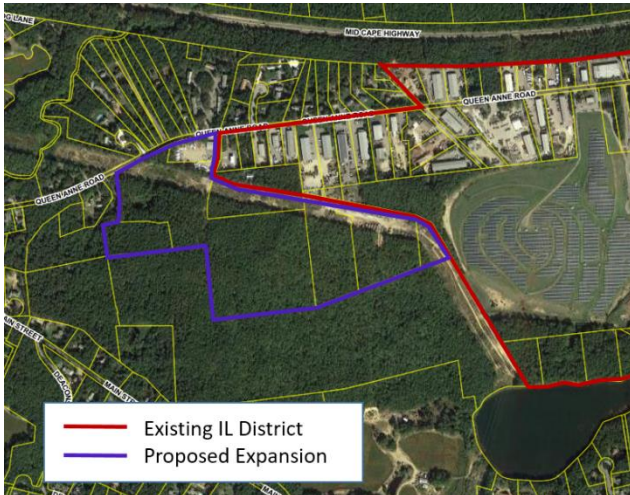
*Explanation:*

*Property owners within this area approached the Town Planner about the expansion of the Industrial (“I-L”) Zoning District in 2019. After several conversations and careful mapping of the proposed expansion, the discussion was brought to the Planning Board. There is a need for additional I-L Zone land in Harwich, as most existing areas are built out. The land involved, directly adjacent to the existing I-L zoning district, lends itself to I-L zone uses. The following is a description of the proposed expansion area of the Industrial (I-L) Zoning District on Queen Anne Road:*

- 1) Beginning at the northwesterly corner of the existing I-L Zoning District, which is also the northwest corner of the property located 101 Queen Anne Road [Map (‘M’): 57, Parcel (‘P’): G2-18], follow this westerly along Queen Anne Road to the easterly property line of 59 Queen Anne Road [M:57, P:C1]; thence,*
- 2) Southerly along the easterly property line of 59 Queen Anne Road [M:57, P:C1] and then westerly along the southerly property line of 59 Queen Anne Road [M:57, P:C1] to the northwesterly corner of the property at 0 Queen Anne Road [M:57, P:C6]; thence,*
- 3) Southerly along the westerly property line to the southwest corner of 0 Queen Anne Road [M:57, P:C6]; thence,*
- 4) Easterly along the southerly property line of 0 Queen Anne Road [M:57, P:C6] to and including “Annasis Road” ‘so-called’; thence,*

- 5) Southerly along "Annasis Road" for approximately 440 feet; thence,
- 6) Easterly to the southwest corner of property located at 0 Queen Anne Road [M:57, P:G5-1]; thence,
- 7) East-north-easterly to the southeast corner of property located at 0 Queen Anne Road [M:57, P:G5-2]; thence,
- 8) East-north-easterly as an extension of the property line to the intersection with the existing I-L zoning district at the east side of the utility easement.

Here is a close up of the area:



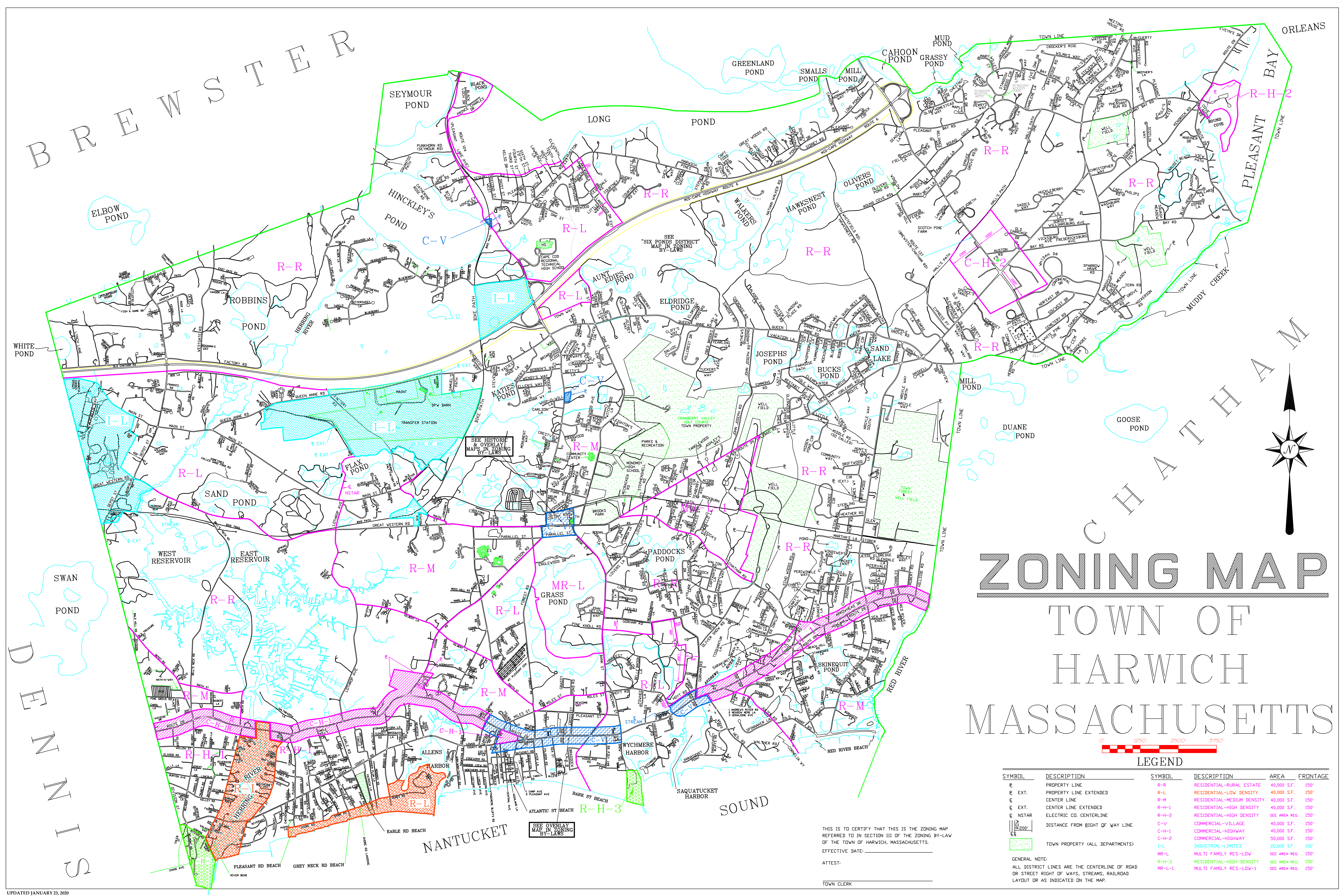
#### § 325-4. Maps.

- A. The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the Town of Harwich, Massachusetts," dated August 1972, which accompanies and is hereby declared to be a part of this bylaw. The authenticity of the Zoning Map shall be certified by the signature of the Town Clerk and imprinted Town Seal, together with the words: "This is to certify that this is the Zoning Map referred to in Article III of the Zoning Bylaw of the Town of Harwich, Massachusetts," together with the effective date of this bylaw.
- B. The Drinking Water Resource Protection Districts established hereunder are shown on a map labeled "DEP Zone II, Apr 2009," prepared by Cape Cod Commission GIS Services, or its successor showing the most recent Zone II boundaries as approved by the Massachusetts Department of Environmental Protection, which map(s) are on file in the Office of the Town Clerk, the authenticity of said map to be established in the same manner as provided above for establishing the authenticity of the Zoning Map. **[Amended 5-4-2010 STM by Art. 9]**
- C. The Personal Wireless Service Overlay Districts established hereunder are shown on a map titled "Town of Harwich Personal Wireless Service Facilities Overlay District Map," dated January 13, 1998, scale: 1:12,000, which map is on file in the office of the Town Clerk, the authenticity of said map to be established in the same manner as provided above for establishing the authenticity of the Zoning Map.



- D. The Zoning Map of the Town of Harwich is hereby amended to include the EAH District as shown on a sketch plan, a copy of which is on file in the office of the Town Clerk, dated February 25, 1999.
- E. The Solar Farm Overlay District established hereunder is shown on a map labeled "Town of Harwich, Solar Farm Overlay District" dated February 8, 2018, a copy of which can be found as an attachment to this chapter in the town's online Code. **[Added 5-7-2018 ATM by Art. 33]**





# ZONING MAP

## TOWN OF HARWICH MASSACHUSETTS

LEGEND			LEGEND		
SYMBOL	DESCRIPTION		SYMBOL	DESCRIPTION	AREA FRONTAGE
R	PROPERTY LINE		R-R	RESIDENTIAL-RURAL ESTATE	40,000 S.F. 150'
R EXT.	PROPERTY LINE EXTENDED		R-L	RESIDENTIAL-LOW DENSITY	40,000 S.F. 150'
C	CENTER LINE		R-M	RESIDENTIAL-MEDIUM DENSITY	40,000 S.F. 150'
C EXT.	CENTER LINE EXTENDED		R-H-1	RESIDENTIAL-HIGH DENSITY	40,000 S.F. 150'
E	ELECTRIC CO. CENTERLINE		R-H-2	RESIDENTIAL-HIGH DENSITY	SEE AREA REG. 150'
E 200'	DISTANCE FROM RIGHT OF WAY LINE		C-V	COMMERCIAL-VILLAGE	40,000 S.F. 150'
			C-H-1	COMMERCIAL-HIGHWAY	40,000 S.F. 150'
			C-H-2	COMMERCIAL-HIGHWAY	50,000 S.F. 150'
			I-L	INDUSTRIAL-LIMITED	20,000 S.F. 100'
			MR-L	MULTI FAMILY RES-LOW	SEE AREA REG. 150'
			R-H-3	RESIDENTIAL-HIGH DENSITY	SEE AREA REG. 150'
			MR-L-1	MULTI FAMILY RES-LOW-1	SEE AREA REG. 150'

GENERAL NOTE:  
ALL DISTRICT LINES ARE THE CENTERLINE OF ROAD OR STREET RIGHT OF WAYS, STREAMS, RAILROAD LAYOUT OR AS INDICATED ON THE MAP.

THIS IS TO CERTIFY THAT THIS IS THE ZONING MAP REFERRED TO IN SECTION III OF THE ZONING BY-LAW OF THE TOWN OF HARWICH, MASSACHUSETTS.  
EFFECTIVE DATE: \_\_\_\_\_  
ATTEST: \_\_\_\_\_  
TOWN CLERK



**HARWICH PLANNING BOARD  
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM  
TUESDAY, FEBRUARY 25, 2020 – 6:30 PM  
MEETING MINUTES**

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

**BOARD MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Andrew Signer; David Michniewicz; Mike Sharlet; Bill Ganshirt; George Gakidis; David Hawk; Bob Nickerson; Peter Sullivan; Lucy Steere; Andrew Barrett; Philip Scholomiti; Christian Davenport; Dan Croteau; Bill Crowell; Mark Smith; Bruce Young;

**CALL TO ORDER** - 6:31 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.

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

***Representatives:*** Andrew Signer, David Michniewicz, Mike Sharlet, Bill Ganshirt, George Gakidis, and David Hawk

Chairman McParland re-opened the hearing at 6:32 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 28, 2020.

Mr. Singer and Mr. Gakidis reviewed the information the Board requested at the last meeting, including a revised landscape plan and elevation plans.

Mr. Singer read a one page project benefits list into the record:

- No change or intensification in existing, private, member-based club use.
- No change or increase in congestion in public ways and no decrease in traffic safety.
- No change in currently permitted, commercial occupancy of property (Maximum 650 restaurant seats shared among multiple buildings and function areas)
- Modernize outdated facility to improve efficiency and aesthetics and enhance private guest experience.

- Compliance with all dimensional requirements of the Harwich Zoning Bylaws
- Conforming Building Coverage (11.4% Proposed)
- Reduction in Pre-existing nonconforming amenities coverage (29.9%- 28.5%)
- Increased green space (total 397,424 Sq. Ft.)
- Conforming building height all structures at beach club.
- Replacement beach grill building elevated to eliminate pre-existing nonconforming location in flood plain.
- Unanimous board of appeals and conservation commission approval of the redevelopment.

Mr. Singer stated that the height is conforming, 50 feet is allowed and this is significantly less than that. The residential building on the east side, is approximately 50' tall. This building at the peak, is less than 50'. This will be well under what is allowed by zoning.

Mr. Gakidis explained the structure and the site. He showed renderings of the proposed building in the location, and displayed pictures of the existing site to show what the proposal will look like. The renderings showed the existing compared to the proposed. The building is well conforming and smaller than a number of buildings on the property.

Mr. Stoltz asked how the grades of the building height will be taken. It was responded that the 50' mark is from grade.

Ms. Maslowski asked what the base flood elevation is. It was responded 12'. It was stated that the height allowed would be 12' + 50' which equals 62'.

Mr. Chadwick asked if there was a restriction in terms of the flood base adjustment. Mrs. Greenhalgh explained that this board passed a by-law at the May 2019 Annual Town Meeting relative to heights of buildings in the flood plain. The building commissioner make the final determination.

Mr. Stoltz asked several questions on L.1.0. - The landscape plan, all which were answered by the applicants.

Mrs. Greenhalgh read recommendations to the board. The Town Engineer is awaiting additional information regarding the stormwater drainage. Originally the applicants proposed to use artificial turf in an around the pool area; this is no longer proposed. The Conservation Commission did approve the portion of this project that falls within its jurisdiction. Zoning Board of Appeals approved the Special Permit on January 29, 2020. A copy of that decision is attached. At the January 28th 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. No height dimensions for the Pavilion have been provided. Two additional letters has been received, copies attached. Standard conditions are recommended; including a stormwater drainage review requirement.

Bob Nickerson discussed a letter of opposition he wrote, and a copy of the letter was added to the record. A lengthy discussion ensued.



Peter Sullivan, 16 Colonial Way, asked if a wind study had been done. The channel is difficult to sail out of now as it is. There is going to be a great amount of blockage. Is there any noise restrictions being placed? A roof deck of that size will be very loud. Encourages the committee to put on some restrictions.

Lucy Steere, 59 Snow Inn Road, stated her biggest concern is the diminishment of wind in the channel. Since 1951, there was always tall buildings on the property that have changed over the years. When Dr. Fennell owned the property, there was a crow's nest put on top of the clam bar. That blocked a significant amount of wind coming in the channel. With the additional building, a scientific study is needed of what the daily knots in the channel will do over time. The wind has changed to 0 in a day. Very concerned with the scientific impact with the entire community. Over time could become very unpleasant for the whole town. What is the wind in the channel going to do over time?

Chairman McParland is not sure that the description of this project relates to the channel. They can agree to disagree.

Mrs. Greenhalgh reminded everyone that entertainment falls strictly under Board of Selectmen.

Andrew Barrett, 112 Miles Street, reiterated existing concerns. He suggests a wind study be conducted. Wind has many different impacts. This project diminishes views, as well as the South West wind coming in. This effects not only recreation use, but also has ecological implications.

Chairman McParland read into the record letters of support from Jeanne and Vin Helfrich, Greg Manocherian, and James Ahern, and letters of opposition from Tom & Lonnie Cosmer and Martha & Paul Chrestensen.

Mr. Berry made comments on the design plan. It seems to fit in with the stylistic tradition and history of the property. The size and height of Chatham Bars Inn is probably four times larger, and build 106 years ago. The Belmont (hotel) was 6 stories tall, and this was not considered a monstrosity until it was torn down. The fact that the team has chosen to stay within the local parameters is a consideration. The wind is an interesting case, but the large building is more than 120' off the water. If this was an urban area, it would only be dozens of feet, not hundreds.

A lengthy discussion ensued.

Mr. Chadwick made the motion to close the public hearing at 7:33 PM, seconded by Mr. Berry. The roll call vote to close the public hearing was unanimous. It was noted that Mr. Berry was not at the last meeting where this matter was discussed and therefore would not be eligible to vote on the matter. Mr. Rouse, as alternate would be voting on this matter.

On a motion from Ms. Maslowski, seconded by Mr. Peterson, the Board voted unanimously (7-0-0) by rollcall vote to adopt the following findings 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.

On a motion from Ms. Maslowski, seconded by Mr. Peterson, the Board voted unanimously (7-0-0) by rollcall vote to approve case number 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.

On an amended motion from Ms. Maslowski, seconded by Mr. Peterson, the Board voted unanimously (7-0-0) by rollcall vote 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. 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.

**PB2020-03 Davenport Companies, 2 Celebration Way, Use Special Permit with Waivers**  
***Representatives:*** Philip O. Scholomiti, PLS and Christian Davenport

Chairman McParland opened the hearing at 7:41 PM by reading the legal notice into the record. 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.

Mr. Scholomiti explained the proposed project to construct a two-family dwellings. The property is located in R-R zone, and a 4 lot subdivision was recently approved by the Board. The additional requirements met are as follows; 40,000 sq. ft. lot size minimum is met, floor area units exceed 800 sq. ft., units are connected with a roof, each unit contains 2 off street parking spaces, a compliant title 5 septic system will serve the dwellings. The EIR was withdrawn without prejudice. They are requesting a waiver requiring an affidavit by the owners stating that they will live in a unit. All the units will be rented on a year round basis. The proposed dwelling is an appropriate use, and is not detrimental to the neighborhood.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record. 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 members asked several questions, all which were answered by the applicant.

Ms. Maslowski made the motion to close the public hearing at 7:50 PM, seconded by Mr. Berry, unanimously so voted via roll call.

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

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

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

On a motion from Ms. Maslowski and seconded by Mr. Peterson, the Board voted unanimously (7-0-0) by rollcall vote 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 within 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, recorded at the 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 Barnstable County Registry of Deeds.



6. Any changes to the plan shall be subject to further Planning Board review

**PB2020-04 Davenport Companies, 6 Celebration Way, Use Special Permit with Waivers**

***Representative:*** Philip O. Scholomiti, PLS

Chairman McParland opened the hearing at 7:56 PM by reading the legal notice into the record. 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.

Mr. Scholomiti explained the proposed project to construct a two-family dwellings. The property is located in R-R zone, and a 4 lot subdivision was recently approved by the Board. The additional requirements met are as follows; 40,000 sq. ft. lot size minimum is met, floor area units exceed 800 sq. ft., units are connected with a roof, each unit contains 2 off street parking spaces, a compliant title 5 septic system will serve the dwellings. They are requesting a waiver requiring an affidavit by the owners stating that they will live in a unit. All the units will be rented on a year round basis. The proposed dwelling is an appropriate use, and is not detrimental to the neighborhood.

Ms. Maslowski made the motion to close the public hearing at 7:59 PM, seconded by Mr. Peterson, unanimously so voted via roll call.

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

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

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

On a motion by Ms. Maslowski and seconded by Mr. Berry, the Planning Board voted unanimously (7-0-0) by rollcall vote 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, recorded at the 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 Barnstable County Registry of Deeds.
6. Any changes to the plan shall be subject to further Planning Board review.

**PB2020-05 Davenport Companies, 14 Celebration Way, Use Special Permit with Waivers**  
***Representative:*** Philip O. Scholomiti, PLS

Chairman McParland opened the hearing at 8:02 PM by reading the legal notice into the record. 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.

Mr. Scholomiti explained the proposed project to construct a two-family dwellings. The property is located in R-R zone, and a 4 lot subdivision was recently approved by the Board. The additional requirements met are as follows; 40,000 sq. ft. lot size minimum is met, floor area units exceed 800 sq. ft., units are connected with a roof, each unit contains 2 off street parking spaces, a compliant title 5 septic system will serve the dwellings. They are requesting a waiver requiring an affidavit by the owners stating that they will live in a unit. All the units will be rented on a year round basis. The proposed dwelling is an appropriate use, and is not detrimental to the neighborhood.

Mr. Berry asked about the parking shape. It was responded that it conforms to the code.

Ms. Maslowski made to the motion to close the public hearing at 8:04 PM, seconded by Mr. Peterson, unanimously so voted via roll call.

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

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

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



On a motion by Ms. Maslowski and seconded by Mr. Peterson, the Planning Board voted unanimously (7-0-0) 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 within 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, recorded at the 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 Barnstable County Registry of Deeds.
6. Any changes to the plan shall be subject to further Planning Board review.

**PB2020-06 Davenport Companies, 10 Celebration Way, Use Special Permit with Waivers**

***Representative:*** Philip O. Scholomiti, PLS

Chairman McParland opened the hearing at 8:07 PM by reading the legal notice into the record. 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.

Mr. Scholomiti explained the proposed project to construct a two-family dwellings. The property is located in R-R zone, and a 4 lot subdivision was recently approved by the Board. The additional requirements met are as follows; 40,000 sq. ft. lot size minimum is met, floor area units exceed 800 sq. ft., units are connected with a roof, each unit contains 2 off street parking spaces, a compliant title 5 septic system will serve the dwellings. They are requesting a waiver requiring an affidavit by the owners stating that they will live in a unit. All the units will be rented on a year round basis. The proposed dwelling is an appropriate use, and is not detrimental to the neighborhood. They intend to only build four bedroom on the parcel, but would like to have the opportunity to expand in the future to 6 bedrooms.

A discussion ensued.

Ms. Maslowski made to the motion to close the public hearing at 8:16 PM, seconded by Mr. Peterson, unanimously so voted via roll call.

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

1. The lot contains the minimum requirement of 40,000 SF of upland.
2. Each dwelling unit's floor area is greater than the 800 SF minimum requirements.
3. A common roof connects the dwelling units.
4. The parcels provide sufficient access for two spaces for each unit.

5. The use as developed will not adversely affect the neighborhood.
6. The specific site is an appropriate location for such a use, structure or condition.
7. There will be no nuisance or serious hazard to vehicles or pedestrians.

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

On a motion from Ms. Maslowski and seconded by Mr. Peterson, the Planning Board voted unanimously (7-0-0) to approve with conditions 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; with the following conditions:

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, if so choose to build 3-bedroom units.
3. All stormwater runoff generated within 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, recorded at the 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 Barnstable County Registry of Deeds.
7. Any changes to the plan shall be subject to further Planning Board review.

### **Zoning Amendment Public Hearing**

Chairman McParland opened the hearing at 8:20 PM by reading the legal notice into the record. 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.

Mrs. Greenhalgh explained that 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.

The proposed amendment was at the recommendation of Town Counsel. There is a conflict between "Essential Services" and "Municipal Use".

Mr. Berry asked if there are any cons of striking Essential Services. Mrs. Greenhalgh said she does not know of any. Municipal uses have to go through Site Plan Review. Public utilities are governed under Mass General Law and go through a different process.

Ms. Maslowski said public utilities have to go through the Board of Selectmen because it occurs within a road right of way. The Board thought this was a benefit, and that is why they referred it to the Board of Selectmen.

Ms. Maslowski made a motion to close the public hearing at 8:27 pm, seconded by Mr. Berry, so voted unanimously by roll call vote (8-0-0)

Ms. Maslowski made the motion to approve the proposed zoning amendment and recommend it to the Town Meeting, seconded by Mr. Berry, unanimously so voted via roll call (8-0-0)

**PB2020-07 Kristen Myers, Tr., Grey House Property Management Trust as owner, Waiver of Site Plan Review**

***Representatives:*** William Crowell and Dan Croteau

Chairman McParland explained that the applicants seek 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.

Mr. Crowell explained the proposal. They are seeking Site plan review waiver for a minor addition. The addition is shown on the plans. This is to create a small office area with bathroom and a wrapping station for retail sale shop. A shed is on site, which already has a building permit, and is for retail storage. Historic commission has already approved this. This addition will not change the relationship to the structure or abutting properties. It is very important to their client to be able to open by April 15<sup>th</sup>.

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

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

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.

On a motion by Ms. Maslowski, seconded by Mr. Peterson, the Board voted unanimously (7-0-0) by rollcall vote 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.

#### **PB2015-12 Arthur's Way Partial Covenant Release Lot 6 & 7**

Mark T. Smith explained that he 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.

Mrs. Greenhalgh read her input into the record. 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.

Ms. Maslowski made the motion to approve the partial release of covenant for Lots 6 and 7 of the Arthur's Way subdivision, PB2015-12, seconded by Mr. Peterson, so voted unanimously by roll call vote.

**ADVISORY OPINIONS:** Zoning Board of Appeals February 26, 2020- none.

**MEETING MINUTES:** January 28, 2020 and February 11, 2020

Ms. Maslowski made the motion to approve the minutes from January 28, 2020 and February 11, 2020, seconded by Mr. Chadwick, unanimously so voted.

**OLD BUSINESS:** None.

**BRIEFINGS AND REPORTS BY BOARD MEMBERS:**

Mrs. Greenhalgh stated that a public presentation on the MVP results will be in April.

Mrs. Greenhalgh asked if anyone has an issue with Mr. Berry taking part in the initial DCPC meetings. Mr. Harris thinks it a good idea, as did Mr. Stoltz. Ms. Maslowski is nervous that it would infringe on himself on his own personal interest. It is a potential conflict that this will have financial impacts. She recommends thinking about being the Planning Board representative. Mr. Chadwick agreed with Ms. Maslowski.

Chairman McParland asked Mrs. Greenhalgh to see if the building commissioner could attend their meetings.

**ADJOURNMENT:**

Mr. Peterson made the motion to adjourn at 8:51 PM, seconded by Ms. Maslowski, unanimously so voted via rollcall (8-0-0).

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary

Adopted:

### Charleen Greenhalgh

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**From:** David Ryer <nammaddog@gmail.com>  
**Sent:** February 28, 2020 2:40 PM  
**To:** Charleen Greenhalgh  
**Subject:** Re: Proposed Deletion of "Essential Services" Definition from the Bylaw

Hi Charlene,

What is unfortunate is that the Planning Board did not seek any input from the BOA on the proposed change to the Code prior to setting a date for a public hearing on it. I did send you my initial comments in the afternoon prior to the hearing, but the BOA did not meet until February 26th, so I did not have a chance to discuss this with our members prior to the 26th.

In any event, the case I cited to you, Case 2019-38, would not fall under the definition of "Municipal Use". Municipal Use is defined as "a use, whether in a structure and/or parcel of land, owned and/or operated by the Town of Harwich". In Case 2019-38, the use was neither owned nor operated by the Town. It was a use operated by the applicant, the West Newbury Development Corporation. So, absent the provisions of "ESSENTIAL SERVICES", this applicant would have had to meet the requirements for a variance, which it was unlikely to be able to do, with the adverse consequences to the Town noted in my prior e-mail. The BOA had a similar situation with Case 2017-38 where Paul Cuddy, Trustee of Harwich Commons LLC applied for a Special Permit to store materials in connection with the gas pipeline project on Halls Path. Again, this would not have qualified as a Municipal Use since it was not the Town undertaking this use. The BOA was able to grant the applicant a Special Permit as an ESSENTIAL SERVICE. Again, absent this the applicant would have been required to obtain a variance, which it was unlikely to do.

So, the BOA feels strongly that the provisions of ESSENTIAL SERVICE benefit the Town and should be retained in the Bylaw. I recommend that you withdraw this proposed change from the draft Warrant so that the Planning Board, the BOA, and Town Counsel can work out a solution to retain these provisions, but avoid a conflict with the definition of Municipal Use. Failing this, on behalf of the BOA, I will have to oppose this proposed change before the Select Board when it considers the Warrant and at Town Meeting, if necessary. Please let me know your decision so that I will know how to proceed.

Dave

On Fri, Feb 28, 2020 at 8:55 AM Charleen Greenhalgh <[cgreenhalgh@town.harwich.ma.us](mailto:cgreenhalgh@town.harwich.ma.us)> wrote:

Hi Dave:

Apologies, but I cannot have a conversation via email like this and include your Board Members. It is unfortunate that you or a representative was not present at the Planning Board Hearing on Tuesday night.



I guess I am confused as to the ZBA's concerns. Sewer work would clearly fall under the definition of "Municipal Use", as we clearly pointed out to Town Counsel. "Municipal Use" is allowable by right in ALL zoning districts.

The Planning Board held the public hearing on this amendment on Tuesday evening. No one spoke for or against the amendment and therefore the Planning Board voted unanimously to approve and recommend the zoning amendment to the Town Meeting.

Charleen

Charleen Greenhalgh

Town Planner

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Town Hall Hours – Monday - Friday: 8:30am-4:00pm

**From:** David Ryer [mailto:[nammaddog@gmail.com](mailto:nammaddog@gmail.com)]

**Sent:** February 27, 2020 2:31 PM

**To:** Charleen Greenhalgh <[cgreenhalgh@town.harwich.ma.us](mailto:cgreenhalgh@town.harwich.ma.us)>

**Cc:** Al Donoghue <[al@donoghue.org](mailto:al@donoghue.org)>; Chris Murphy <[murphcyr@gmail.com](mailto:murphcyr@gmail.com)>; James Armstrong <[captjamiearmstrong@yahoo.com](mailto:captjamiearmstrong@yahoo.com)>; Michael Cupoli <[attorneycupoli@gmail.com](mailto:attorneycupoli@gmail.com)>; James Hilliard <[jh@connhill.com](mailto:jh@connhill.com)>; Kathleen Muller <[kathleenxxx@aol.com](mailto:kathleenxxx@aol.com)>; Shelagh Delaney <[sdelaney@town.harwich.ma.us](mailto:sdelaney@town.harwich.ma.us)>

**Subject:** Re: Proposed Deletion of "Essential Services" Definition from the Bylaw

Hi Charlene,

I discussed this with our Board at last night's meeting and all present agreed that the deletion of "ESSENTIAL SERVICES" from the Code will make the Board's job a lot harder going forward in light of the continuing sewer project and other Town projects. It will also impose a greater burden on Town contractors by requiring them to meet the requirements for a variance in connection with Town projects. For example, in Case #2019-38, decided at the Board's January 29, 2020 meeting, West Newbury Development Corporation was granted a Special Permit to store materials and equipment connected to the sewer project at a vacant location on RTE.137, close to the work being performed. It is unlikely that this applicant could have met the requirements for a variance at this location. This would have required the applicant to transport the materials to the Robert B. Our site on Great Western Road, necessitating between 20 to 40 roundtrips a day of large trucks through Harwich Center. This would have not been good for the applicant or the Town. The Board was able to avoid this by granting the applicant a Special Permit.

Accordingly, the Board of Appeals recommends that "ESSENTIAL SERVICES" be retained in Articles Sec.325-2 and 325-13.

It seems to me that the conflict can be resolved by amending the definition of "ESSENTIAL SERVICES" to delete the words I have bracketed in bold so that it reads as follows:

## 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.

Please review this with Town counsel and see if this satisfies the concern.. Thanks,

Dave



On Tue, Feb 25, 2020 at 6:13 PM Charleen Greenhalgh <[cgreenhalgh@town.harwich.ma.us](mailto:cgreenhalgh@town.harwich.ma.us)> wrote:

Hi Dave:

This was done on the recommendation of Town Counsel. The current definition of "Municipal Use" and "Essential Services" definitions and within the use table are in conflict. I would be more than happy to discuss this more or you may wish to watch the Planning Board meetings where this was discussed.

Charleen

Charleen Greenhalgh

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**From:** David Ryer [mailto:[nammaddog@gmail.com](mailto:nammaddog@gmail.com)]

**Sent:** February 25, 2020 2:55 PM

**To:** Charleen Greenhalgh <[cgreenhalgh@town.harwich.ma.us](mailto:cgreenhalgh@town.harwich.ma.us)>

**Cc:** Al Donoghue <[al@donoghue.org](mailto:al@donoghue.org)>; chris murphy <[murphcxr@gmail.com](mailto:murphcxr@gmail.com)>; James Armstrong <[captjamiearmstrong@yahoo.com](mailto:captjamiearmstrong@yahoo.com)>; James Hilliard <[jh@connhill.com](mailto:jh@connhill.com)>; Kathleen Muller <[kathleenxxx@aol.com](mailto:kathleenxxx@aol.com)>; Michael Cupoli <[attorneycupoli@gmail.com](mailto:attorneycupoli@gmail.com)>; Shelagh Delaney <[sdelaney@town.harwich.ma.us](mailto:sdelaney@town.harwich.ma.us)>

**Subject:** Proposed Deletion of "Essential Services" Definition from the Bylaw

Hi Charlene,

I don't understand why the Planning Board wants to delete this definition. We recently had a number of cases come before the Board of Appeals seeking Special Permits in connection with the sewer and gas line projects. Without this definition, the BOA would have had to find legal justification for the issuing of Variances which, as you know, requires that a much higher standard must be met. Rather than a complete deletion, why not a revision of the language if there is a problem with the present definition?

All the best,

Dave Ryer