

HARWICH PLANNING BOARD MINUTES
HARWICH TOWN HALL
732 Main Street- DONN B. GRIFFIN ROOM
TUESDAY, DECEMBER 20, 2018 – 6:30 PM

BOARD MEMBERS PRESENT: Chairman, Jim Joyce; Mary Maslowski; Joseph McParland; Craig Chadwick; and David Harris.

Board Members Absent: Allan Peterson and James Atkinson

OTHERS PRESENT: Town Planner, Charleen Greenhalgh; Susan Ladue and William Marsh from Eastward Home Business Trust; Executive Director of Harwich Chamber, Cyndi Williams.

CALL TO ORDER - 6:30 PM by Chairman, Joyce with a quorum present.

Chairman, Joyce 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.

Chairman, Joyce announced Vice-Chairman Atkinson's resignation, and thanked him for his service to the Board.

Public Hearing – None

Public Meeting - New Business

PB2018-37 Osprey Landing LLC, Endorsement of Rescission Plan

The applicant seeks endorsement of the Rescission Plan following the expiration of the 20-day appeal period. Per Mrs. Greenhalgh the property completed the 20 day appeal period without any appeals. Mr. McParland made the motion to endorse the plan, the motion was seconded by Mr. Harris, unanimously voted.

PB2018-13 Eastward Home Business Trust - Bascom Hollow Lot/Covenant Swap of Lot Representatives: Susan Ladue and William Marsh

The applicant seeks approval and endorsement to place Lot 2 back into a covenant and to release Lot 3 from covenant.

Mrs. Ladue provided an overview of the project and proposal. Mr. McParland made the motion to approve and endorse a new planning Board Covenant agreement and covenant for lot 2 of the Bascom Hollow subdivision, and to approve and endorse the release of lot 3 from planning board agreement and covenant recorded in Barnstable Registry of Deed Book 31370, Page 41, seconded by Mr. Harris, both motions unanimously voted.

Mr. Marsh brought to the Boards attention that the subdivision is an 8 lot subdivision located north of the Route 137 and Route 39 intersection. Mr. Marsh would like the Board to know that the road is complete, and all requirements have been met, but would like to remind the Board that the other four lots will be released when the sewer system is in place. The Board of Health originally placed a condition that only four lots could be built on without alternate technology,

and that when the sewer was placed the remaining four lots could be built on, due to the location within the Pleasant Bay Watershed.

Informal Discussion

Eastward Companies: Lot 7 Deerfield Road, commercial development project.

Mrs. Ladue provided a handout to the Board of a possible building proposal, and provided a brief overview of the proposed project. Mr. Marsh explained the site layout, and options they are looking at for the site layout.

Mrs. Greenhalgh expressed her concerns regarding the back-out parking spots, and the 50' wide entrance.

Ms. Maslowski raised the question could the building be moved closer to Deerfield Road? Mr. Marsh stated that it already met the 25' setback, so they could not move it any closer.

Mr. Harris suggested that the parking spaces on Deerfield be back-in only so that people have to pull out forward out of the parking spot, which would reduce the safety problem.

Mr. Marsh stated that they do not know who the tenants will be, they are just planning for the future.

Chairman Joyce offered that if there is boat storage than a wide entrance would be helpful.

Mr. Chadwick also expressed his concern with back-out only parking spots, and also expressed his concern about setting a president for the future. Mrs. Greenhalgh pointed out that there is no president in Zoning, each lot is taken on its own merit.

Chairman Joyce recommended meeting with the Police Department and see what options they recommend.

Ms. Maslowski questioned the possibility of an ingress from Depot, and egress from Deerfield.

Joint Meeting with Board of Selectmen Mrs. Greenhalgh inform the Board that there will be a joint meeting on January 7, 2019 to discuss Accessory Dwelling Unit Bylaw.

Old Business - Zoning Review, continued review and discussion

Accessory Apartment

After a lengthy discussion, the Board decided to amend the regulation as follows:

H. Single-family dwelling with accessory apartment.

(1) Purpose. The intent of permitting accessory apartments is to:

a. Increase the number of small dwelling units available for rent in Town;

- b. Increase the range of choice of housing accommodations;
- c. Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- d. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.

(2) Definitions.

OWNER One or more individuals holding title to the property.

(3) Criteria for by-right. An accessory apartment within an existing single-family dwelling structure is allowable by right provided the criteria pursuant to §325-51.H.4 are met. The Building Commissioner shall determine compliance with said criteria upon the application for a change of use for said accessory apartment. In addition, the accessory apartment within an existing single-family dwelling structure shall comply with §324-51.H.6 and 7.

(4) Criteria for special permit approval. Special permits for single-family dwellings with a detached accessory apartment, may be granted upon determination by the Planning Board that the following criteria have been met:

- a. Only one accessory apartment is permitted for each principal dwelling unit.
- b. The accessory apartment may not be held in separate ownership from the principal use.
- c. Only one of the principal dwelling or accessory apartment may be rented at any given time. (For Discussion: ...for no less than 6 consecutive months.)
- d. The accessory apartment shall have a net floor area not exceeding 1/2 of the net floor area of the principal dwelling unit and not more than 900 square feet.
- e. The accessory apartment shall have not more than two bedrooms.
- f. At least one off-street parking space shall be provided for the accessory dwelling unit.
- g. The minimum lot area required for a parcel to allow an accessory apartment shall not be less than 15,000 square feet if the parcel is situated in a RH-1, CV, CH-1, MRL or MRL-1 District; 20,000 square feet if situated in a RL, RM or RR District; and 40,000 square feet if situated in a Water Resource (WR) Overlay District. For parcels existing within an approved Open Space Residential Development or Cluster Subdivision, the lots size shall be consistent with the approved plan.
- h. The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the property remains that of a single-family property with matching materials, colors, window styles and roof design for one structure, if the apartment is attached, or for both structures, if the apartment is detached.
- i. The principal dwelling unit and accessory apartment shall meet all wastewater treatment requirements for the combined number of bedrooms.
- j. The proposed use shall not exceed the building or site coverage for the zoning district.
- k. If an addition is to be built for the proposed use, the addition shall be set back from front, side and rear lot lines the distance required in the zoning district for new construction.

(5) The applicant shall record with the Registry of Deeds for Barnstable County a certified copy of the special permit decision and the special permit shall lapse if it is not so recorded and if it is not duly exercised in accordance with MGL c. 40A, § 9.

(6) Transfer of ownership. The provisions of the building permit from the Building Commissioner or the special permit issued by the Planning Board may be transferred with ownership of the property provided all provisions of the Zoning Code of the Town of Harwich and the State Building Code are met.

(7) A final determination that the owner failed to comply with these provisions or the termination of occupancy by the owner of the subject property shall be evidence that the rights and benefits conferred under the building permit and/or special permit were abandoned or otherwise surrendered and discontinued by the owner and all such rights and benefits shall lapse and the elements that make the accessory apartment a separate dwelling unit shall be removed from the property within 90 days of said final determination, with the owner to comply with all requirements of the State Building Code and Town Zoning in removing elements determined to be unpermitted.

Accessory Apartments vs Bedrooms in an Accessory Structure - No discussion.

Sign Code – “A-Frame” Signs and Fines

After a lengthy discussion, the Board decided to amend the regulation as follows:

“FREESTANDING PORTABLE SIGN” – A single or double-faced, self-supporting sign made of wood, cardboard, plastic, metal or other lightweight and rigid material.

Add a new §325-26.K to read as follows:

H. A-Frame/Easel/Sandwich-Board Signs.

- (1) A sign permit from the Building Department shall be required;
- (2) The area of the sign shall be no more than six (6) square feet per side;
- (3) The sign height above the ground shall not exceed three (3) feet;
- (4) The sign width shall not exceed three (3) feet;
- (5) The sign shall be unlit, shall be inaudible, and shall have no moving parts;
- (6) The sign shall be stable and have no external supports;
- (7) The sign area (one side only) shall count towards the total allowable sign area (in square feet) for the business, pursuant to §325-27
- (8) The sign shall indicate no more than the name of the business, a special event, hours of operation, sale of a product or service, and price;
- (9) Only one (1) freestanding portable sign per business may be located on a property; a business with street frontage on two (2) streets may have no more than one (1) such sign on each street front; however, if there are multiple businesses on a property, there shall be no more than one (1) such sign per business, regardless of the street frontage;

- (10) The sign may only be displayed up to two (2) hours before the business is open to the general public and during the time business is open to the general public; and
(11) The sign shall also comply with the requirements of §325-26.D-G, above.

The Board will hold a meeting to discuss the proposed bylaw with the Chamber of Commerce Members on January 8, 2019. Ms. Williams will assist in reaching out to members.

Retaining Walls for Septic Systems

The Board agreed to amend the regulation as follows:

ARTICLE: Zoning Bylaw Article RETAINING WALL(S) FOR SEPTIC SYSTEMS

To see if the Town will vote to amend the Town's Zoning Bylaw §325-16, Table 2 and to add a new subparagraph "R. Retaining Wall(s) for Septic Systems" to §325-18, as follows:

§325-16, Table 2, add a Note "3" to the "Front (feet)", "Side (feet)", and "Rear (feet) columns, which shall read as follows:

"May be reduced to 10 feet for Septic System pursuant to §325-18.R" And, §325-18 add a new subsection "R. Retaining Wall(s) for Septic Systems" to read as follows: "R. Retaining Wall(s) for Septic Systems. The provisions of §325-17 notwithstanding, on an improved parcel, a retaining wall(s) associated with the installation of a septic system (e.g. mounded septic system) required by the Board of Health and/or Title 5, shall be setback no less than 10 feet to any lot line.

Building Height – Flood Plan – No discussion.

Briefings and Reports by Board Members

Ms. Maslowski updated the Board on the CPC Board. The CPC Board met last week and heard the last 4 applications. They will be meeting next week to discuss all 8 applications and make a final decision.

Mr. Chadwick reminded everyone of the handout that Mrs. Greenhalgh provided the Board, on the Planning with Community Support.

Chairman, Joyce brought up vacant positions the Board now has.

The next meeting will be a joint meeting with the Board of Selectmen Monday, January 7, 2019, and the next regular meeting will be held Tuesday, January 8, 2019.

ADJOURNMENT: The motion was made by Mr. McParland to adjourn at 8:10 PM. The motion was seconded by Ms. Maslowski, so voted unanimously.

Respectfully submitted,
Kathleen A. Tenaglia, Board Secretary.
Adopted: January 8, 2019

