

**HARWICH PLANNING BOARD  
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM  
TUESDAY, January 14, 2020 – 6:30 PM  
MEETING MINUTES**

**BOARD MEMBERS PRESENT:** Chairman Joseph McParland; Mary Maslowski; Duncan Berry; William Stoltz; Craig Chadwick; and Arthur Rouse. David Harris was present via remote participation. Vice-Chairman Alan Peterson arrived at 7:04 PM.

**BOARD MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Ben Zehnder; Alex Bardin; Paul Sweetser; Alan Hall; Edward Hall; Cyndi Williams; and others.

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

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

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

Chairman McParland re-opened the hearing at 6:30 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 11/7/19. The Board received a letter from Attorney Andrew Signer requesting a continuance to January 28, 2020.

Ms. Maslowski made the motion to continue the hearing to January 28, 2020 no later than 6:30 PM, seconded by Mr. Berry, unanimously so voted via roll call.

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

***Representative:*** Attorney Ben Zehnder and Alex Bardin

Chairman McParland opened the hearing at 6:31 PM by reading the legal notice into the record. Applicant seeks approval of a Multi-Family Use Special Permits in the Harwich Center Overlay District and a Site Plan Review Special Permit for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.D and -51.O and

325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L, Harwich Center Overlay and Historic Districts.

The hearing opened with Mr. Bardin and Mr. Zehnder stating that they did not notify abutters as required, and they would like to request a continuance to January 28, 2020.

Ms. Maslowski made the motion to continue the hearing to January 28, 2020 no later than 6:30 PM, seconded by Mr. Berry, unanimously so voted via roll call.

**PB2019-46 Greenskies Renewable Energy, 183 Oak Street, Site Plan Review Special Permit**

Chairman McParland opened the hearing at 6:33 PM by reading the legal notice into the record. Applicants seek approval of a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55, in conjunction with §325, Article XXIII to establish a Large Scale Photovoltaic Array at Cranberry Valley Golf Course, owned by the Town of Harwich. The proposal consists of both a ground-mounted array and a rooftop array on the cart barn building. The property is located at 183 Oak Street, Map 61, Parcel H1 in the R-R and W-R zoning districts. The applicant requested a continuance to January 28, 2020.

Ms. Maslowski made the motion to continue the hearing to January 28, 2020 no later than 6:30 PM, seconded by Mr. Berry, unanimously so voted via roll call.

**PB2019-50 Davenport Realty Trust, as prospective buyer, 424 Queen Anne Road, Approval Not Required**

***Representative:*** Paul E. Sweetser, PLS

Chairman McParland called the matter. The Estate of Elizabeth M. Marceline, owner, seeks endorsement of a two (2) lot Approval Not Required (ANR) plan entitled “Plan of Land in Harwich, Mass” prepared for Davenport Realty Trust, dated December 10, 2019, pursuant to M.G.L. c. §81 P and §400-9 of the Codes of the Town of Harwich for property located at 424 Queen Anne Road Map 70, Parcel B1. The parcel is in the R-M zoning district.

Mr. Sweetser explained that the two proposed lots meet all requirements. Mrs. Greenhalgh read staff and planning comments into the record. Planning: 1) This proposal meets the minimum criteria for endorsement of an ANR plan pursuant to §400-9 of the Harwich Town Code and Massachusetts General Law Chapter 41 §81 P (adequate frontage for the zoning district – 150 feet, with adequate access – Great Western Road). 2) Each lot does contain a minimum of 40,000 s.f.; however, as the Board is aware, lot size is not a consideration for endorsement of an ANR Plan. Health: This property is not located within a water recharge area. 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. If private drinking water wells are to be used, water quality testing is necessary before any permits can be issued. It is also important to note that these properties are tentatively scheduled in Phase 4 of the sewer project. Conservation: Not within jurisdiction.

Ms. Maslowski made the motion that said plan does not constitute a subdivision as the way shown on a plan, a Town Road, provides safe and adequate access, seconded by Mr. Stoltz, unanimously so voted via roll call with the exception of Mr. Rouse who could not vote on this matter.

Ms. Maslowski made the motion to endorse the ANR plan entitled “Plan of Land in Harwich Massachusetts as Prepared for Davenport Realty Trust, prepared by Paul E. Sweetser, P.L.S., dated December 10, 2019, Scale 1” = 40’, seconded by Mr. Stoltz, unanimously so voted via roll call with the exception of Mr. Rouse who could not vote on this matter.

### **COVENANT RELEASE- 1993 Tompkins Subdivision – Novotny Road**

Mrs. Greenhalgh explained that in 1993 the Planning Board approved a three (3) Lot subdivision plan which created Novotny Road. The applicants were Mr. and Mrs. Tompkins. In 1995, following the completion of the all the required road work, the Planning Board released the lots from the covenant; unfortunately two things did not happen, first, the plan referenced in the original covenant releases was wrong; and, second, the covenant releases were never recorded.

One of the lots, which has a house on it, is now being sold. In the title search process the buyer’s attorney discovered that there was no release of covenant recorded and in order to have a clean sale and transfer of title, the covenant release is needed.

Ms. Maslowski made the motion to approve the covenant release for lots 1, 2 and 3 of the Novotny Road subdivision, seconded by Mr. Berry, unanimously so voted via roll call with the exception of Mr. Rouse, who could not vote on this matter.

### **REVIEW AND APPROVE ANNUAL REPORT 2019**

Mrs. Greenhalgh read the proposed annual report to the Board. Mr. Chadwick made the motion to accept the annual report, seconded by Mr. Berry, unanimously so voted via roll call.

Mr. Harris’ call was dropped at 6:50 PM. The meeting continued without him.

### **MEETING MINUTES**

Ms. Maslowski noted two typos in the December 17, 2019 minutes. She made the motion to approve the minutes for December 17, 2019 with amendments, seconded by Mr. Berry, so voted (5-0-1, with Mr. Chadwick abstaining).

### **CONTINUED REVIEW, DISCUSSION, & POSSIBLE VOTE- ZONING AMENDMENTS FOR 2020 ANNUAL TOWN MEETING**

**Essential Services:** Mrs. Greenhalgh presented the proposed zoning amendments.

**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.

Explanation:

The existing definition of 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.” and the definitions of MUNICIPAL USE: “A use, whether in a structure and/or on a parcel of land, owned and/or operated by the Town of Harwich.” are in conflict with one another. All Municipal Uses are allowable by right, as are public utility uses (i.e. gas, electric, cable, cell). By deleting the definition of Essential Services it would eliminate this unnecessary conflict.

A brief discussion ensued.

Ms. Maslowski made the motion to send the proposed zoning change for essential services to the Board of Selectmen for their referral back to the Planning Board for the public hearing process and for the amendments for the Town Meeting, seconded by Mr. Stoltz, unanimously so voted.

#### **EXPANSION OF IL DISTRICT QUEEN ANNE ROAD**

Mrs. Greenhalgh explained that she is working with the Town Engineer on the necessary amendments to the zoning map to show the expanded IL district. There is one correction on the Assessors Map that needs to be corrected by the Town Engineer. The expansion will be brought before the Board once the map has been completed.

#### **BRIEFINGS AND REPORTS BY BOARD MEMBERS**

Ms. Maslowski stated that the CPC meeting will be 6:00 PM Thursday night. Fourteen articles that will be voted on.

Mrs. Greenhalgh stated that the town has received a \$20,000 MVP grant. A stakeholder’s workshop, also known as the Municipal Vulnerability Plan (MVP), will be held on January 31, 2020. Invitation were sent out to specific stakeholders. The town website has a link to a survey related to the MVP, and asked that everyone please fill out the survey. It is necessary to receive as much input as possible. She also stated that there are still some available slots, so please let her know if anyone would like to attend.

Vice-Chairman Peterson arrived at 7:04 PM.

Alan Hall and Edward Hall apologized for their late arrival, but wanted to ask about the Queen Anne Road Map amendment. Mrs. Greenhalgh explained to the Board that the Hall’s own property in this area and that Mr. Alan Hall’s parcel is incorrectly shown on the Assessors Map, it needs to be corrected before the Board can Vote on the matter.

Ms. Maslowski stated that the Historic meeting is tomorrow night, they are seeing lots of applications.

Mr. Chadwick asked if anyone wants to make a comment on Mr. Harris' remote participation, as discussed at the Board of Selectmen's meeting. Mrs. Greenhalgh stated that the Board of Selectmen approved his remote participation for 5 months.

**ADJOURNMENT:** The motion to adjourn was made by Ms. Maslowski at 7:10 PM, seconded by Vice Chairman Peterson, unanimously so voted.

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary

Adopted: January 28, 2020