

HARWICH PLANNING BOARD  
PUBLIC HEARING NOTICE

The Harwich Planning Board will hold a public hearing no earlier than 6:30 PM on Tuesday, May 12, 2020 in the Griffin Meeting Room, 732 Main St., Harwich, MA to consider the following applications. The meeting may be via REMOTE PARTICIPATION ONLY. Written comments may be submitted to the Planning Board at the address shown below or emailing the Town Planner, Charleen Greenhalgh, at [cgreenhalgh@town.harwich.ma.us](mailto:cgreenhalgh@town.harwich.ma.us). Anyone having interest the application is invited to access the meeting via GoToMeeting.com. Instructions regarding how to access and participate in the meeting will be posted on the Planning Board's Agenda page for the date of the meeting: <https://www.harwich-ma.gov/node/2451/agenda/2020>. The application and plans can also be viewed using the same website link noted above under Planning Board Legal Notice May 12, 2020.

**PB2020-12 Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies**, seeks approval of a Modification of a Definitive Subdivision Plan pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts. The modification is relative to the Board of Health conditions only.

All documents related to the above cases are on file with the Planning Department and the Town Clerk; however, they can only be viewed using the same website link noted above, and can be found under Planning Board Legal Notice May 12, 2020. You may also email the Town Planner.

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 Print Dates: April 23 & April 30, 2020

# EASTWARD COMPANIES

April 6, 2020

Harwich Planning Board  
Town Hall  
732 Main Street  
Harwich, MA 02645

**RE: Bascom Hollow – East Harwich  
Modification of Definitive Subdivision Plan – Filing Package**

Dear Members of the Board:

Eastward MBT LLC, Trustee of Eastward Homes Business Trust, William Marsh, Manager, is submitting the following items for your review of the proposed Modification request on Tuesday, May 12, 2020:

1. Two (2) completed applications – Form B-1
2. Two (2) copies of the Municipal Lien Certificate from the Town Treasurer
3. Filing Fee consistent with the fee schedule
4. Six (6) full size copies of the recorded Definitive Subdivision Plan
5. Eleven (11) reduced copies of the recorded Definitive Subdivision Plan
6. Planning Board Decision PB2018-13 Definitive Subdivision Plan Approval dated March 29, 2018
7. Copy of recorded Board of Health Certificate of Conformance dated March 26, 2020, approving the preliminary subdivision plan
8. Abutter's List

The Planning Board approved the 8-lot Definitive Subdivision Plan in May 29, 2018 with the following conditions:

1. Board of Health conditions shall be noted on the Definitive Plan, Sheet 1.
2. The road shall be known as Bascom Hollow.
3. A standard Planning Board Agreement & Covenant shall be fully executed and recorded at the Barnstable County Registry of Deeds.

Based on the Town's schedule for the installation of the municipal sewer in 2018, we proposed and requested to limit the development to 4 lots until such time as the connection to the municipal sewer was available. We understood that we'd be able to hook-up to the sewer line in Route 39/Orleans Road sometime in 2020. We proposed construction of a shared septic system to serve the 4 lots. The system would consist of a 6,000 gallon two compartment septic tank, distribution box, and an 1,824 gallon per day soil absorption system located on "Lot 1". The Board of Health approved the Definitive Subdivision Plan on May 14, 2018 and included the following conditions with the approval (These conditions are noted on the recorded Definitive Subdivision Plan):

1. The development is restricted to a maximum of 4 lots, 16 bedrooms, 1,760 gallons per day until such time as municipal sewer is available for use.
2. Each lot is restricted to a maximum of 4 bedrooms.
3. In order to prepare for connection to municipal sewer, the waste lines will exit the buildings on the street side.
4. The Harwich Board of Health will not consider any variances from Title 5 of Harwich Board of Health Regulations for any of the lots.
5. The subdivision will be served by town water.

Eastward Companies installed the proposed/approved system with a sewer line in Bascom Hollow to serve all houses once the sewer is up and running. The Planning Board has released Lots 1 (for the installation of the community septic system), 3, 5, 6, and 7. We completed 3 houses on Lots 3, 5, and 7 in 2019 and they are now occupied. We are now negotiating with a buyer on the purchase of Lot 6 and designing a house with construction to start this year. We have just put another one of the remaining 4 lots in the subdivision under agreement to build a new home this year.

We now understand that the sewer line installation in this area may not be completed for at least 2 years. Our agreement in 2018 with the Board of Health was made in a good faith effort that the sewer would be available sometime this year for all the lots in the subdivision. However, we have now been forced to look at an alternative to address the septic issue at hand with the delay in the municipal sewer.

April 6, 2020  
Page 3

We met with the Board of Health on March 17, 2020 to discuss the current status of the Town sewer installation and requested a revision to their conditions of approval to allow the installation of individual septic systems on the remaining 4 lots in the subdivision: 1, 2, 4, and 8. The Board of Health approved this request and included the following condition:

1. Allow the newly released properties to have conventional systems on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that Innovative/Alternative technology will be added to the systems.

*With this Modification request, we are asking the Planning Board to modify the conditions of their approval of the Definitive Subdivision Plan to incorporate the Board of Health's new condition, in the Board's decision and on the subdivision plan.*

If you should have any questions or need additional information for your review, please do not hesitate to contact me. We appreciate the Board's consideration of our request.

Sincerely,



Susan B. Ladue  
Regulatory Specialist

cc: William Marsh, President  
William Riley, Esq.  
David Clark, P.E.

# TOWN OF HARWICH PLANNING DEPARTMENT



**PLANNING BOARD APPLICATION  
SUBDIVISION FORM B-1**

TO THE TOWN CLERK, HARWICH, MA

DATE 4-6-20

## PART A – APPLICANT INFORMATION/AUTHORIZATION

<b>Applicant Name(s)</b>	EASTWARD MBT, LLC, TRUSTEE EASTWARD HOMES BUSINESS TRUST
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	SUSAN LADUE EASTWARD COMPANIES
Street/PO Box	155 CROWELL ROAD
Town, ST, Zip	CHATHAM, MA 02633
Phone	508-945-2300
Fax	508-945-2374
E-mail	sladue@eastwardco.com

The applicant is one of the following: (please check appropriate box)

- Owner    
  Tenant\*    
  Prospective Buyer\*    
  Representative for Owner/Tenant/Buyer  
 Other\* \_\_\_\_\_ *\*Written permission of the owner(s).*

All other forms and information as required in the Harwich Code §400 shall be submitted as part of this application including municipal lien certificate(s), available through the Tax Collector's Office.

### Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Susan B. Ladue for Eastward Companies  
 Applicant Carlton Mough

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

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
Case #	

#3, 7, 15, + 16

**PART B – PROJECT LOCATION**

Street Address	BASCOM HOLLOW	
Village	EAST HARWICH	Zip Code 02645
Map	97	Parcel(s): B2-5, B2-6, B2-8, + B2-12
Zoning District(s)	RE + DWEPD/ZONE II	
Frontage (linear feet)		
Total land area (SF)	N/A	
Upland (SF)		
Wetlands (SF)		
Number of lots and/or parcels	Existing:	Proposed:

The owner's title to said land is derived under deed from DEAN M. BASCOM, dated 12-8-2017 and recorded in the Barnstable Registry of Deeds AND DEED FROM PAUL R. O'CONNELL III Book and Page 30950/131 or registered in Barnstable County Land Court DATED 9-20-2017 BOOK 30775, PAGE 86 Certificate of Title No. \_\_\_\_\_.

**PART C – PROJECT DESCRIPTION**

Number of lots and/or parcels	Existing:	Proposed:
	NO PROPOSED CHANGE TO	THE NUMBER OF LOTS

The undersigned owners of all land described herein submitted in the accompanying plan entitled \_\_\_\_\_ and dated \_\_\_\_\_,

request a determination and endorsement by said Board that approval by it under the **Subdivision Control Law MGL Ch. 41 Sec. 81K-GG**: (check as appropriate)

is required (complete Part C.1 Subdivision) or  is NOT required (complete Part C.2 ANR)

**PART C.1 – Planning Board Approval is Required - Subdivision**

- The accompanying plan is a (check one):
  - Preliminary plan
  - Definitive without a preliminary plan
  - Definitive following a Preliminary plan filed on \_\_\_\_\_ /case # PB \_\_\_\_\_
  - Modification of a Definitive plan approved on 5-29-18 /case # PB 2018-13
  - Rescission of a Definitive plan approved on \_\_\_\_\_ /case # PB \_\_\_\_\_

2. The applicant is also requesting a **Special Permit** to accompany the proposed plan for the following (check all that apply):

N/A

- USE - Does not require Site Plan Review
  - \_\_\_ Open Space Residential Development
  - \_\_\_ Flexible Cluster Development/Six Ponds Special District
  - \_\_\_ Accessory Apartment
  - \_\_\_ Two-Family Dwellings
  - \_\_\_ Other \_\_\_\_\_
- OVERLAY DISTRICT
  - \_\_\_ Water Resource Protection
  - \_\_\_ Harwich Center
  - \_\_\_ Six Ponds
  - \_\_\_ Village Commercial (Harwich Port)

\*Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District Commission. Please inquire with the Building Department for forms and instructions.

N/A

**PART C.2 – Planning Board Approval is Not Required - ANR**

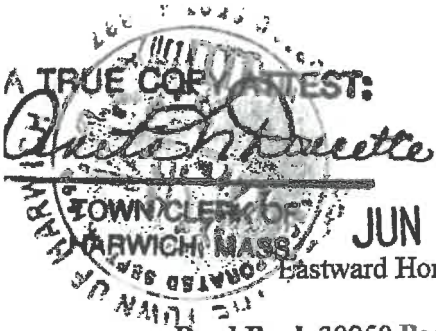
The accompanying plan does not require approval by the Planning Board because:

- 1. The lots are created on an approved way, with proper frontage and are served by safe and adequate access as follows:
  - a. Every lot shown on the plan has frontage of at least such distance as is presently required by the Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires \_\_\_\_\_ feet for erection of a building on such lot, **and**;
  - b. The lots shown on such plan front on one of the three types of ways specified in Chapter 41, Section 81L, MGL, **and**;
    - a public way or a way that the Harwich Town Clerk certifies is maintained and used as a public way namely \_\_\_\_\_, or
    - a way shown on a plan previously approved and endorsed in accordance with the subdivision control law namely \_\_\_\_\_ on \_\_\_\_\_ and subject to the following conditions \_\_\_\_\_; or
    - a private way in existence on March 25, 1949, the date when the subdivision control law became effective in the Town of Harwich, and
  - c. The public or private way named above has, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the land abutting or served thereby, and for the installation of municipal service to serve such land and the buildings existing thereon to be erected.

**PROOF OF SAFE AND ADEQUATE ACCESS – Please attach all necessary documentation to this application for:**

  - Determination of Safe and Adequate Access for existing conditions
  - Satisfaction of Safe and Adequate Access for proposed conditions
- 2. The accompanying plan is not a subdivision because the plan does not show a division of land.
- 3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires \_\_\_\_\_ feet.
- 4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the property prior to March 25, 1949 the date when the subdivision control law went into effect in the Town of Harwich and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:
- 5. Other reasons or comments: *(See MGL, Ch41, §81-L)*

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
PLANNING BOARD



DECISION  
DEFINITIVE SUBDIVISION

JUN 21 2018

Owner/Applicant:

Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies

Deed Book 30950 Page 131  
Deed Book 30775 Page 86

Plan Book 607 Page 14 (lots 1 & 2)

Address: 1522 (formerly) & 1546 Orleans Road

Map 97 Parcels B2-1-R & B2-2-R

Case No.: PB2018-13

Hearing Date(s): May 22 & 29, 2018

Decision Date: May 29, 2018

Hearing

At a duly advertised and scheduled public hearing (originally posted for May 22, 2018; however the original legal notice did not appear in the newspaper, therefore the hearing was re-advertised and abutters re-notified) held May 29, 2018 the Town of Harwich Planning Board, acting in the matter of case number PB2018-13 voted to approve an 8-lot Definitive Subdivision Plan pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich. The subdivision is within the DEP Zone II & Pleasant Bay Watershed and the R-R and the W-R overlay districts.

The Board reviewed the submitted plan set entitled "Bascom Hollow Subdivision" prepared for Eastward Homes Business Trust, prepared by Clark Engineering LLC and Terry A. Warner, P.L.S, as follows:

1. Cover Sheet with Table of Content dated 04-10-2018, Revised 05-09-18, Drawing No. 0010151G
2. Definitive Subdivision Plan, dated 04-10-2018, revised 05-09-18, scale 1" = 60', Sheet 1.
3. Topography Plan, dated 04-10-2018, revised 05-09-18, scale 1" = 60', Sheet 2 of 7.
4. Plan & Profile, dated 04-10-2018, revised 05-09-18, scale 1" = 40' (Horizontal) and 1" = 4' (Vertical), Sheet 3 or 7.
5. Drainage & Paving Detail, dated 04-10-2018, scales as noted, Sheet 4 of 7.
6. Water and Sewer Detail, dated 04-10-2018, scales as noted, Sheet 5 of 7.
7. Sewage Disposal System Plan, dated 04-10-2018, revised 05-09-18, scale as noted, Sheet 6 of 7.
8. Erosion Control Details, dated 04-10-2018, scale as noted, Sheet 7 of 7.

In addition, a copy of a Storm Water Report, prepared by Clark Engineering LLC and stamped by David A. Clark, PE, dated April 10, 2018.

Attorney William Riley and Susan Ladue from Eastward Companies presented the application. After public deliberation and hearing from all parties having an interest in the case the Board closed the public hearing.

Findings of Facts

The Board members reviewed the criteria for granting a Definitive Subdivision and following a motion by Mr. McParland and seconded by Mr. Atkinson, the Board voted unanimously (6-0-0) to adopt the following findings of fact:

PLAN BOOK 615, PAGE 11



1. Said subdivision for single-family homes, or two-family by special permit, is a permitted use in the underlying RR and the Water Resources district.
2. Said subdivision does not adversely affect the neighborhood.
3. All lots demonstrate compliance with minimum dimensional requirements for frontage, area and shape.
4. Board of Health requirements will be met.
5. Proposed road construction satisfies all requirements, including the grade of the road, pursuant to §400-12 through 14; §400 Appendix 1-The Rational Method of Drainage Design; and Appendix 2 Tables 1 through 4.
6. Incorporated by reference is the Certificate of Conformance from the Board of Health dated May 22, 2018, which states in part that only four (4) lots can be developed until such time a municipal/town sewer is available to the subdivision.

**Definitive Subdivision Decision**

On a motion from Mr. McParland, seconded by Mr. Atkinson, the Board voted unanimously (6-0-0) to approve with conditions the application for an 8 Lot definitive subdivision for Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, based on the foregoing findings and the fact that the application and plans meet the necessary requirements and criteria for approval pursuant to the Code of the Town of Harwich for the definitive subdivision plan entitled "Bascom Hollow Subdivision", prepared for Eastward Homes Business Trust, prepared by Clark Engineering LLC and Terry A. Warner, P.L.S, Definitive Subdivision Plan, dated 04-10-2018, revised 05-09-18, scale 1" = 60', Sheet 1. The following conditions are imposed and required to be submitted prior to endorsement of the plan and covenant:

1. Board of Health conditions shall be noted on the Definition Plan, Sheet 1.
2. The road shall be known as Bascom Hollow.
3. A standard Planning Board Agreement and Covenant shall be fully executed and recorded at the Barnstable County Registry of Deeds.

In accordance with MGL Ch. 41 Sec. 81U, which requires a majority vote for approval of a definitive subdivision plan, six of the seven board members voted as follows:

IN FAVOR: Brophy, Maslowski, Atkinson, McParland, Peterson and Harris  
 OPPOSED: None  
 ABSTAIN: None

*Lawrence E. Brophy*  
 Lawrence E. Brophy, Chairman

This Decision has been filed with the Town Clerk on:

MAY 31 2018  
*Antonia D. D'Amico*  
 Town Clerk

This is to certify that twenty days have elapsed after this decision was filed in my office and no appeal has been filed.

Date filed: MAY 31 2018 Twenty Days Elapsed:

1 JUN 11 2018  
 TOWN OF HARWICH  
 REGISTERED SEPT 16, 1894  
 2018  
*Antonia D. D'Amico*  
 Town Clerk



# TOWN OF HARWICH

## BOARD OF HEALTH

732 Main Street • Harwich, MA 02645  
508-430-7509 • Fax 508-430-7531  
E-mail: [health@town.harwich.ma.us](mailto:health@town.harwich.ma.us)

**HARWICH BOARD OF HEALTH  
3, 7, 15 & 16 BASCOM HOLLOW  
MAP 97 PARCELS B2-5, B2-6, B2-8 & B2-12  
BOOK 30775 PAGE 86  
BOOK 30950 PAGE 131**

March 26, 2020

### *CERTIFICATE OF CONFORMANCE*

Eastward Homes Business trust  
Eastward MBT LLC, Trustee  
155 Crowell Road  
Chatham, MA 02633

**Re: Bascom Hollow  
Revised Environmental Impact Report**

To Whom It May Concern:

At a meeting of the Board of Health on March 17, 2020, a hearing was conducted to consider an application for a revised Environmental Impact Review in accordance with Harwich Board of Health Regulation 1.211, which was originally approved on May 14, 2018. Based on the town's schedule for the installation of the municipal sewer in 2018, you proposed and requested to limit the development to 4 lots until such time as the connection to the municipal sewer was available.

Due to funding shortages, this phase of the CWMP will not be completed per the original schedule. The revised the Environmental Impact Review proposes individual conventional Title 5 systems on the remaining 4 lots.

After considerable review and discussion, it was a decision of the Board to approve the proposal with the following order of conditions:

1. Allow the newly released properties to have conventional systems on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that Innovative/Alternative technology will be added to the systems.

This letter is required to be recorded at the Barnstable County Registry of Deeds with a copy to be returned to the Harwich Health Department. This shall be completed prior to the issuance of any construction and or septic system permits. Each lot shall be recorded separately in order to alert current or future owners of this requirement.

Regards,

*Meggan Eldredge*

Meggan Eldredge, R.S., C.H.O  
Health Director

Signature(s) of Owner and Legal Address

*William Marsh*

Date 30 March '20

WILLIAM MARSH  
155 CROWELL ROAD, CHATHAM, MA 02633

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

MARCH 30, 2020

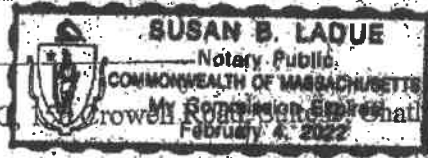
Date

On this 30<sup>th</sup> day of MARCH, 2020, the above named appeared before me, the undersigned notary public, and acknowledged the foregoing instrument to be their free act and deed.

Notary Public

*Susan B. Ladue*

My commission expires

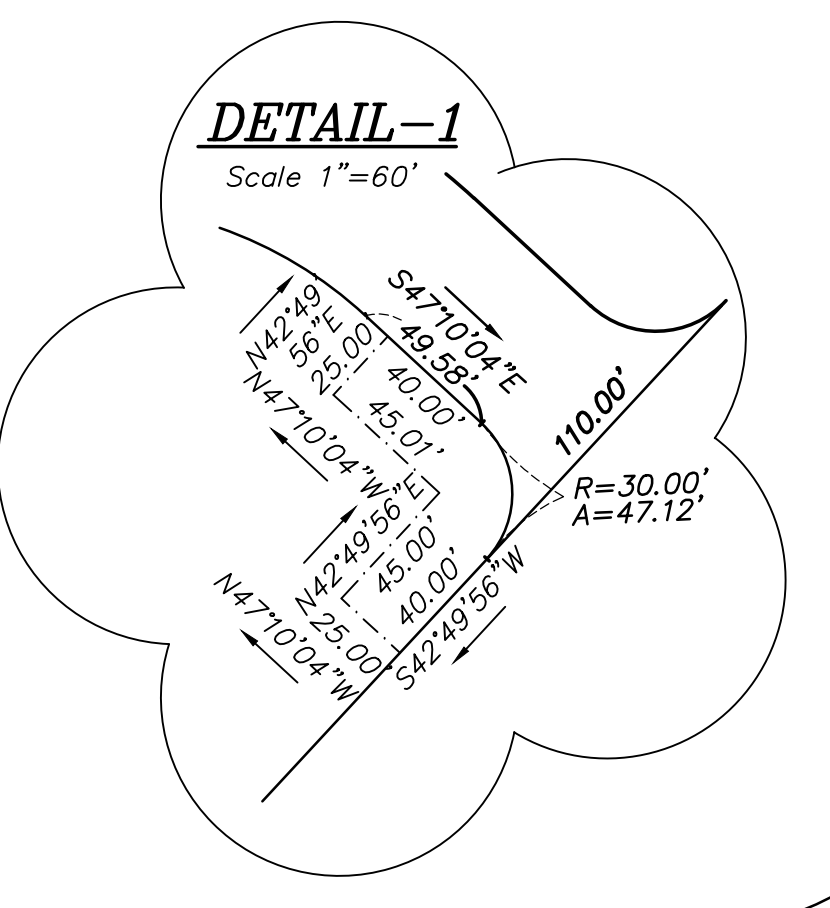
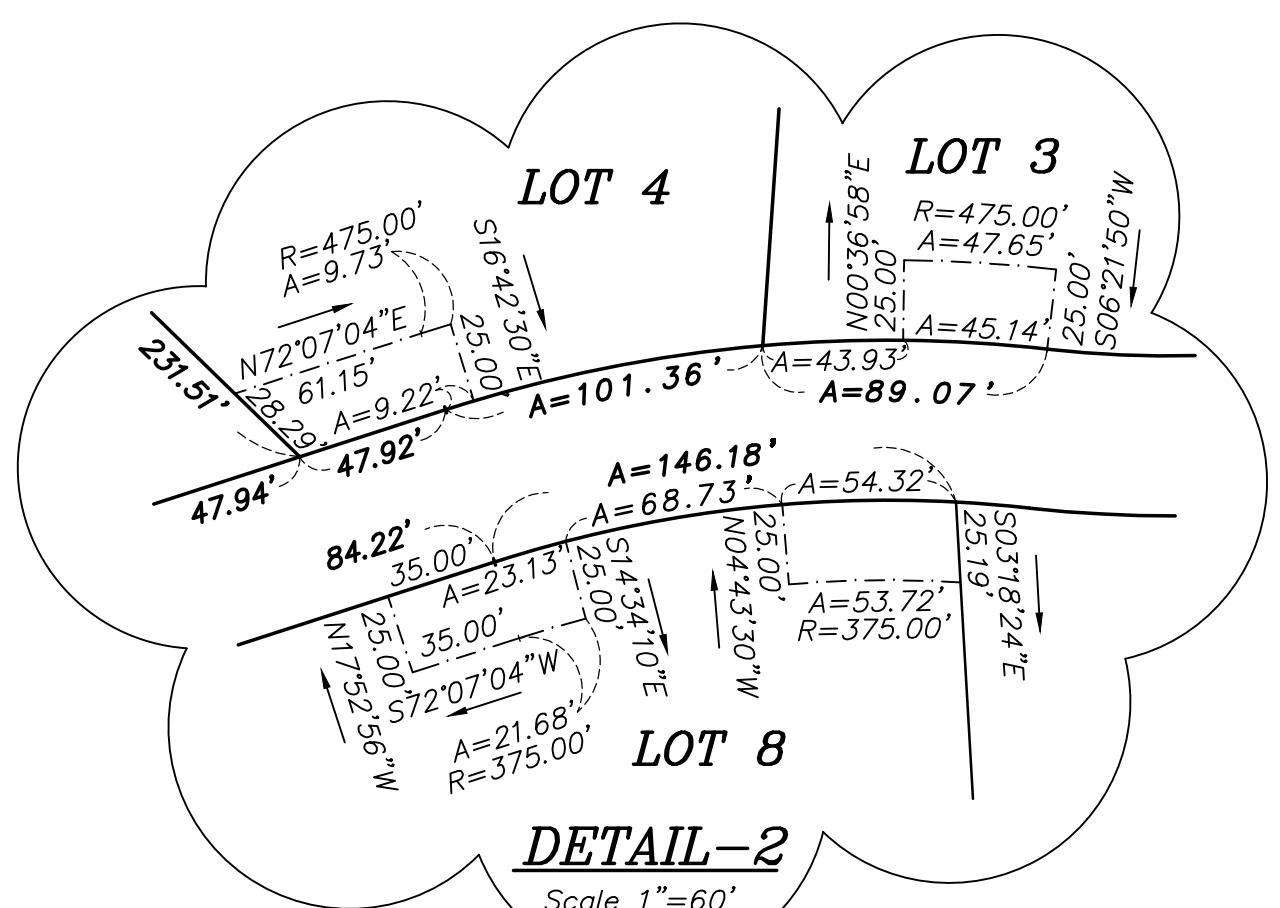


CC: Clark Engineering LLC,  
Planning Board

155 Crowell Road, Chatham, MA 02633

**LEGEND**

- Existing Contour
- Proposed Contour
- Existing Spot Grade
- Proposed Spot Grade
- Water Service
- Overhead Utility Line(s)
- Underground Utility Line(s)
- Gas Line
- Concrete Bound (CB)
- Utility Pole
- Catch Basin
- Fire Hydrant
- Tree or Hedge Line
- Conc. Monument to be Set



Board of Health Approval 05-14-18  
 HARWICH BOARD OF HEALTH RESTRICTIONS

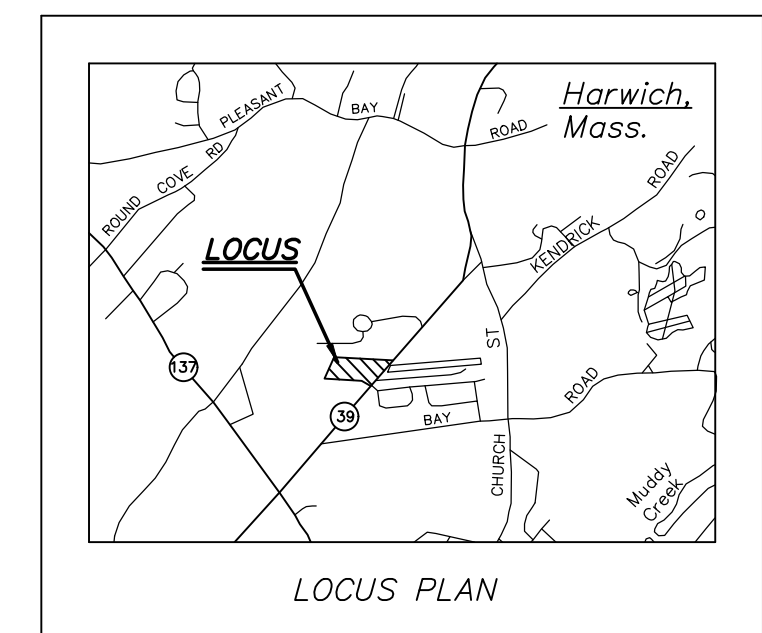
- The development is restricted to a maximum of 4 lots, 16 bedrooms, 1,760 gallons per day until such time as municipal sewer is available for use.
- Each lot is restricted to a maximum of 4 bedrooms.
- In order to prepare for connection to municipal sewer, the waste lines will exit the buildings on the street side.
- The Harwich Board of Health will not consider any variances from Title 5 of Harwich Board of Health Regulations for any of the lots.
- The subdivision will be served by town water.

Board of Health Revised Approval 03-17-20  
 HARWICH BOARD OF HEALTH RESTRICTIONS

- Allow the newly released properties to have conventional system on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that innovative/alternative technology will be added to the systems.

I certify that this plan was prepared in accordance with the rules and regulations of the Register of Deeds as adopted January 1, 1976 and amended January 7, 1988.

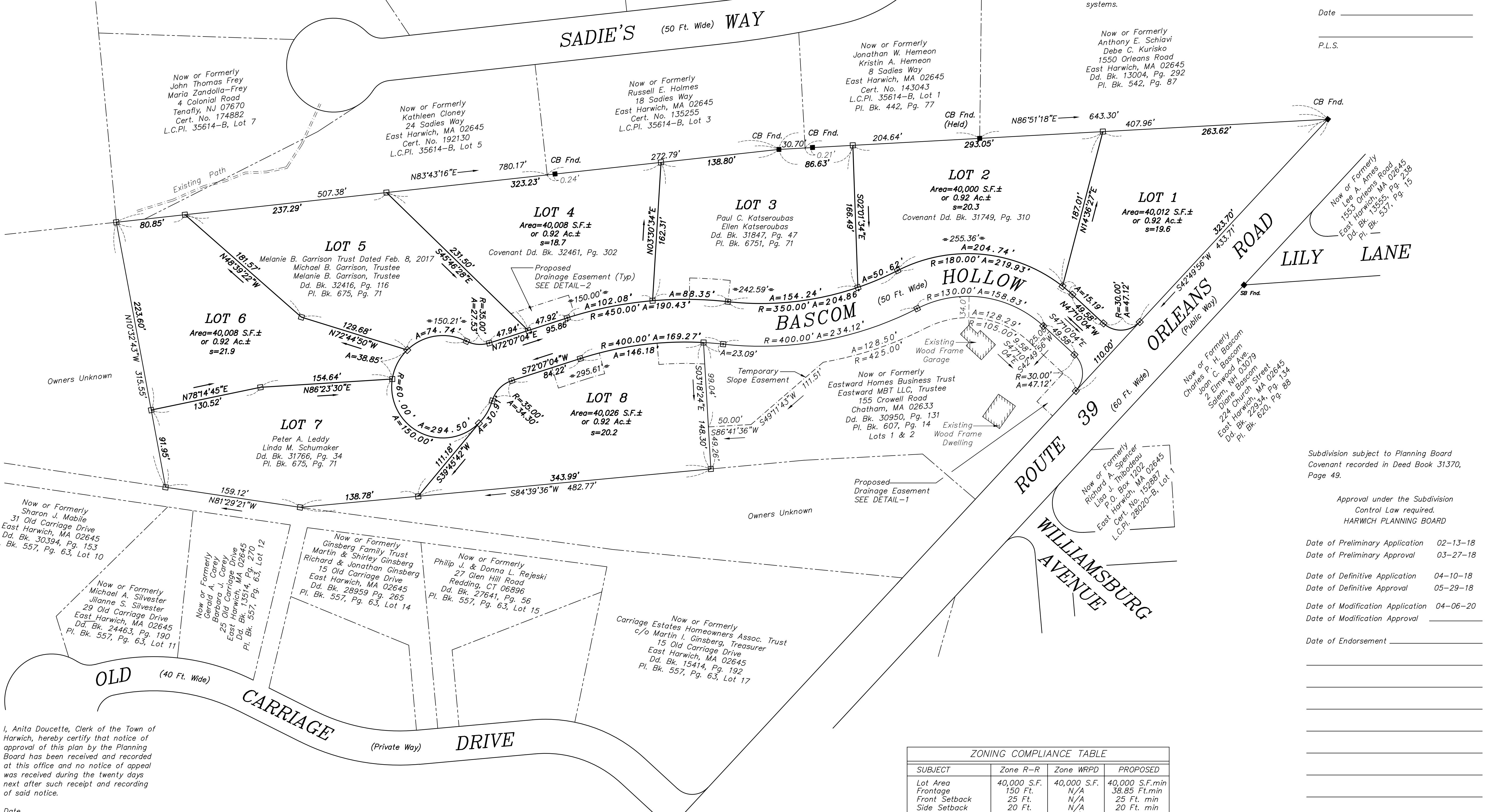
Date \_\_\_\_\_  
 P.L.S. \_\_\_\_\_



Assessors' Map 97, Parcels B2-1 & B2-2

**OWNERS OF RECORD:**

- Eastward Homes Business Trust  
 Eastward MBT LLC, Trustee  
 155 Crowell Road  
 Chatham, MA 02633
- Deed Book 30950, Page 131  
 Plan Book 607, Page 14  
 Lots 1 & 2
- Deed Book 30775, Page 86



LOCUS TOTAL AREA  
 Area=370,605 S.F.±  
 or 8.5 Ac.±

**MODIFICATION OF DEFINITIVE DIVISION PLAN**  
 1522 & 1546 Orleans Road (Rte 39), East Harwich, MA  
 Recorded in Plan Book 675, Page 71

Prepared For  
**EASTWARD HOMES BUSINESS TRUST**  
 Applicant

**CLARK ENGINEERING LLC**  
 156 Crowell Road Suite B, Chatham, MA. 02633  
 Tel.: (508) 945-5454; Fax: (508) 945-5458

**TERRY A. WARNER, P.L.S.**  
 22 Long Road, Harwich, MA 02645  
 Tel.: (508) 432-8309

Rev. #	Description of Revision	Date

Subdivision subject to Planning Board  
 Covenant recorded in Deed Book 31370,  
 Page 49.

Approval under the Subdivision  
 Control Law required.  
 HARWICH PLANNING BOARD

Date of Preliminary Application 02-13-18  
 Date of Preliminary Approval 03-27-18  
 Date of Definitive Application 04-10-18  
 Date of Definitive Approval 05-29-18  
 Date of Modification Application 04-06-20  
 Date of Modification Approval \_\_\_\_\_

Date of Endorsement \_\_\_\_\_

ZONING COMPLIANCE TABLE			
SUBJECT	Zone R-R	Zone WRPD	PROPOSED
Lot Area	40,000 S.F.	40,000 S.F.	40,000 S.F. min
Frontage	150 Ft.	N/A	38.85 Ft. min
Front Setback	25 Ft.	N/A	25 Ft. min
Side Setback	20 Ft.	N/A	20 Ft. min
Rear Setback	20 Ft.	N/A	20 Ft. min
Lot Coverage	25% max.	40% max.	25 %
Building Coverage	15% max.	20% max.	15 %

I, Anita Doucette, Clerk of the Town of Harwich, hereby certify that notice of approval of this plan by the Planning Board has been received and recorded at this office and no notice of appeal was received during the twenty days next after such receipt and recording of said notice.

Date \_\_\_\_\_  
 Town Clerk

