Harwich Planning Board Agenda **Tuesday, February 23, 2021 – 6:30 PM** Town Hall, 732 Main Street, Harwich This meeting will be held **VIA REMOTE PARTICIPATION ONLY**. Access is available through GoToMeeting.com and live broadcast on Channel 18*

Please join my meeting from your computer, tablet or smartphone. https://global.gotomeeting.com/join/953732389

> You can also dial in using your phone. United States: <u>+1 (872) 240-3212</u>

Access Code: 953-732-389

- I. CALL TO ORDER Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.
- II. JOINT PUBLIC HEARING PURSUANT TO M.G.L. C. 83, § 10 AND CHAPTER 295 OF THE CODE OF THE TOWN OF HARWICH, THE TOWN ENGINEER, ACTING AS THE TOWN OF HARWICH STORMWATER AUTHORITY, WILL HOLD A JOINT PUBLIC HEARING WITH THE PLANNING BOARD:
 - A. Wychmere Harbor Real Estate LLC, applicant & owner, c/o David J. Michniewicz of Coastal Engineering Company, Inc., representative, seeks a Local Stormwater Permit to demolish existing restaurant/building, swimming pools, and patios and replace with a new restaurant building, swimming pools, and patios. The existing "Coastal Bar" building will be turned 90 degrees and moved back from the beach. The proposed project will decrease site coverage in the project area by 1,724+/- square feet. The proposed area of land disturbance is approximately 83,900 +/- square feet. The application is pursuant to the Town of Harwich Comprehensive Stormwater and Illicit Discharge Requirements. The property is located at 23 Snow Inn Road, Map 8, Parcel P2, in the RH 3 and R L zoning districts. PB2020-32 Wychmere Harbor Real Estate LLC, applicant & owner, c/o Attorney Andrew Signer, representative, seeks to amend the Site Plan Review Special Permits granted in Cases PB2019-27 and PB2020-23, or in the alternative a new Special Permit to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions. The application is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400. The property is located 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH 3 and R L zoning districts. The Planning Board Hearing was continued from 2/9/21.

III. PUBLIC HEARINGS

A. Continuance: PB2020-28 Cape Cod Oil Company, H. Tasha, TR. of M.J.T. Enterprises, as applicant, Jacobs Driscoll Engineering, Inc., as representative, seeks approval of a Site Plan Review Special Permit with waiver to establish and install two (2) 30,000 gallon propane tanks along with appurtenant equipment fixtures and site features pertinent to the establishment of a new Heating Fuel Resale and Storage use, which is an allowable use within the zoning district. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 6 Station Avenue, Map 39, Parcel K3, in I-L zoning district. *Hearing continued from January 12, 2021. Please note that the applicant has requested a further continuance to April 13, 2021.*

- **B.** *Continuance*: **PB2020-34 Cool Change LLC, Allen Harbor Marine,** applicant & owner, c/o Rob O'Neill, representative, seeks a Site Plan Review and Use Special Permit pursuant to §§325-55; 325-13, Use Table, paragraph IV.19; and 325-51to construct a 4,102 square foot commercial building for a marine use (boat maintenance and repair) and associated parking at property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district. *Hearing Continued from 2/9/21*.
- **C.** *Continuance*: **PB2020-26 The Royal Apartments LLC, as owner**, Benjamin E. Zehnder, Esq, Representative, seeks approval of Special Permits for Multifamily Use and Site Plan Review for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.Q (approved at the 9-26-2020 Town Meeting) and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. *Hearing continued from 2/9/21*.
- D. Continuance: PB2020-33 Main Street Stone Horse, applicant & owner, c/o William F. Riley, Esq. representative, seeks a new Use Special Permit, to convert one of the two dormitory buildings, specifically the building known as 868 Route 28, into twenty two (22) one-bedroom apartments and to amend the previously approved Site Plan Review Special Permit granted under case PB2019-13 with additional parking requirement and other waivers. The application, is pursuant to the Code of the Town of Harwich §325-51.Q (Multifamily Use) and §325-55 (Site Plan Review). The property is located 872 Route 28, Map 25, Parcel A2, is located in the CH-1 zoning district. Hearing continued from January 26, 2021. Please note: the applicant has requested a Withdrawal without Prejudice of this application.

IV. PUBLIC MEETING**

- A. New Business:
 - 1. Minutes:
 - A. January 12, 2021
 - B. January 23, 2021
 - C. February 9, 2021
 - 2. Zoning Amendment Discussions and Possible Votes:
 - A. West Harwich Special District
 - B. Parking in the MRL and MRL-1 Zoning Districts
 - 3. Zoning Board of Appeals Opinions for February 24, 2020.
- B. Old Business:
- C. Briefings and Reports by Board Members

V. ADJOURN

*PLEASE NOTE: We request all who are attending this meeting to please observe the same courtesies that would be observed if you were here in person. If you need to conduct unrelated business before your item on the agenda comes up, we request you mute your line – Use *6 to mute and unmute your phone.

**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 9, 2021. Requests for accommodations for any person having a disability can be made by contacting the Administration Office at 508-430-7513.

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



AGENDA ITEM # II.A

To: Planning Board

From: Griffin Ryder Town Engineer Charleen Greenhalgh, Interim Town Planner

Date: February 1, 2021

Re: Staff Report – For Joint Public Hearing Local Stormwater Permit and Site Plan Review Special Permit

Pursuant to M.G.L. c. 83, § 10 and Chapter 295 of the Code of the Town of Harwich, the Town Engineer, acting as the Town of Harwich Stormwater Authority, will hold a Joint Public Hearing with the Planning Board for the following:

Wychmere Harbor Real Estate LLC, applicant & owner, c/o David J. Michniewicz of Coastal Engineering Company, Inc., representative, seeks a Local Stormwater Permit to demolish existing restaurant/building, swimming pools, and patios and replace with a new restaurant building, swimming pools, and patios. The existing "Coastal Bar" building will be turned 90 degrees and moved back from the beach. The proposed project will decrease site coverage in the project area by 1,724+/- square feet. The proposed area of land disturbance is approximately 83,900 +/- square feet. The application is pursuant to the Town of Harwich Comprehensive Stormwater and Illicit Discharge Requirements. The property is located at 23 Snow Inn Road, Map 8, Parcel P2, in the RH 3 and R L zoning districts. PB2020-32 Wychmere Harbor Real Estate LLC, applicant & owner, c/o Attorney Andrew Signer, representative, seeks to amend the Site Plan Review Special Permits granted in Cases PB2019-27 and PB2020-23, or in the alternative a new Special Permit to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions. The application is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400. The property is located 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH 3 and R L zoning districts.

A joint public hearing on this matter is scheduled for a virtual meeting to be held on Tuesday, February 9, 2021 not earlier than 6:30pm. The public hearing for Site Plan Review was opened on January 12, 2021 and abutters were notified via certified mail on December 29, 2020. The Stormwater Permit public hearing will be opened on February 9, 2021 and the abutters were notified on January 20, 2021.

The Stormwater and Illicit Discharge Regulations (the "Regulations") were adopted by the Town of Harwich Board of Selectmen acting in their capacity as the Sewer Governance Board, which shall hereafter also act as the Town of Harwich Stormwater Authority. These regulations are enacted pursuant to G.L. c. 83, §10 and Chapter 295 of the Code of the Town of Harwich. The Selectmen further authorized the Town Engineer to serve as the Stormwater Authority.

Many future developments required to appear before the Planning Board will likely trigger the need for a Stormwater Permit. In an effort to streamline the permitting process a joint hearing will be held wherever possible. This approach will likely become the norm for the future.

The Public Hearing Process:

The public hearings will be opened by the Town Engineer and the Planning Board Chair respectively. The Town Engineer will hold his portion of the hearing and act accordingly. Following the conclusion of the Stormwater permit hearing, the Planning Board will proceed with the continued Site Plan Review public hearing.

Description

The applicant received two prior Site Plan Reviews and Use Special Permits (PB2019-27 and PB2020-23) for site improvements at the site. The application for the Site Plan amendment is simply to reconfigure the pool area. The application was filed with the Town Clerk on December 1, 2020 and include the following:

- 1. Form A Special Permits & Site Plan Review.
- 2. A project narrative, date stamped received Dec. 1, 2020.
- 3. Fee of \$525.00.
- 4. Site Plan prepared by Coastal Engineering Co., for Wychmere Harbor Real Estate, LLC., entitled "Proposed Building and Site Improvements at Wychmere Beach Club", dated 6-12-19, latest revision date 11/20/2020, prepared and stamped by David J. Michniewicz, P.E., and scale as noted, Sheet C2.2.1;
- 5. Landscape Submission Set prepared by Hawk Design, Inc., for Wychmere Beach Club, dated (or latest revision date) 11/30/20, as follows:
 - 1. L1.0 Overall Site Plan, scale 1'' = 20';
 - 2. L1.1 Materials Enlargement Plan, scale 1" = 10';
 - 3. L1.2 Materials Enlargement Plan, scale 1" = 10';
 - 4. L2.0 Planting Site Plan, scale 1'' = 20';
 - 5. L2.1 Planting Details, scale 1'' = 10';
 - 6. L2.2 Planting Enlargement Plan, scale 1" 10;
 - 7. L3.0 Overall Site Lighting Site Plan, scale 1'' = 20';
 - 8. L3.1 Lighting Enlargement Plan, scale 1" = 10';
 - 9. L3.2 Lighting Enlargement Plan, scale 1" = 10';
 - 10. L4.0 Overall Grading Site Plan, scale 1" = 10';
 - 11. L4.1 Grading Enlargement Plan, scale 1" = 10';
 - 12. L4.2 Grading Enlargement Plan, scale 1" = 10';
 - 13. D1.0 Construction Details, scale as noted;
 - 14. D1.1 Construction Details, scale as noted;
 - 15. D2.0 Site Lighting Specifications.

Attorney Singer's narrative defines the scope of the proposed amendments as being "to make additional alterations to the previously-approved design of the redeveloped Beach Club at the southern end of the Property – redesignate the approved "infant pool" to "young adult pool", and add an infant pool, create a fenced, natural-lawn service alley along the east side, and make accompanying landscape and walkway revisions. There will be no change to the previously-approved buildings or use."

MGL Reference and Stormwater Authority Jurisdiction

Pursuant to the Comprehensive Stormwater and Illicit Discharge Regulation established pursuant to M.G.L. c. 83, § 10 and Chapter 295 of the Code of the Town of Harwich, Section 5, Applicability:

- A. These Regulations shall apply to land disturbances that drain to the municipal storm drain system or, directly or indirectly, into a watercourse or water of the Commonwealth. Except as authorized by the Stormwater Authority in a Local Stormwater Permit, no person shall perform any activity that results in a land disturbance above the threshold contained in this subsection, below.
- B. The following uses and activities shall be regulated under this by-law:
 - 1. Subdivisions and construction activities of any kind disturbing an area equal to or greater than one (1) acre (43,560 square feet); and
 - 2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development or safe that would disturb area equal to or greater than one (1) acre (43,560 square feet).

MGL Reference and Planning Board Jurisdiction

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

The Planning Board has jurisdiction to review this application pursuant to the Code of Town of Harwich §325-55 for Site Plan Review Special Permit for the amendment to the original site plans for the pool and lawn area. 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.

Waivers At this time no waivers have been requested.

Comments from other Boards, Departments, Committees

Health: Must have a Board of Health Pool Application Permit and passing inspection prior to use; Owners/Contractors are responsible for ensuring that all requirements under 105 CMR 435.00 are met; Food service permits are required prior to opening, and; Applicant must submit kitchen design plans to health Department prior to construction.

Fire & Highway: No issues or concerns.

- **Water:** 8" Water main to be moved two feet away from all structures; Field lock gaskets be used at all joints and fixtures; Approved inspector be on site for moving or reinstalling all water main/services/fire services, and; Pressure test of new main being installed to Water Department guide lines.
- **Engineering:** The Town Engineer reviewed the plans with the Town Planner; comments are noted below.

Planning Staff Comments

- 1. The Town Engineer and Interim Town Planner reviewed the plans on December 15, 2020. All items raised at that time have been addressed; however, we will be needing a revised site plans showing the correct lot coverage.
- 2. One letter from an abutter was received and is attached.
- 3. The applicant received Zoning Board of Appeals relief on January 27, 2021 to amend their Special Permits.
- 4. Standard conditions are recommended.

BOARD VOTE

Continuance

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

Move to continue the hearing for **PB2020-32 Wychmere Harbor LLC**, to no earlier than 6:30 pm on _____ (*Feb. 23, March 9, March 23*) 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. <u>Vote to close the public hearing.</u>

II. Vote to Adopt Proposed Findings:

To adopt the following finding of fact:

- 1. The property is located within the RH-3 and R-L zoning districts.
- 2. The proposed changes of use and alterations to the site were approved by the Zoning Board of Appeals pursuant to Board of Appeals Case #2019-28, #2020-32 and #2020-45.
- 3. The Conservation Commission approved the changes within conservation jurisdiction pursuant to MA DEP SE32-2383 and SE32-2387.
- 4. The use as developed will not adversely affect the neighborhood.
- 5. The specific site is an appropriate location for such a use, structure or condition.
- 6. There will be no nuisance or serious hazard to vehicles or pedestrians.
- 7. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- **III.** <u>Vote on Site Plan Review Special Permit:</u> (*Please Note*: An affirmative vote by at least five Planning Board members is required.)
 - 1. To **approve with conditions** case number **PB2020-32 Wychmere Harbor Real Estate LLC, for an** amended Site Plan Review Special Permits pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), and Chapter 400, which was previously granted in Cases PB2019-27 and PB2020-23, to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions for property located at 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH 3 and R-L zoning districts. 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, Board of Health and Conservation Commission requirements shall be met.
- B. The conditions imposed pursuant to Planning Board cases PB2019-27 and PB2020-23 shall be adhered to.
- C. All signage shall comply with the Sign Code and Building Department Requirements.
- D. All lighting shall comply with the Lighting Code Requirements.
- E. This decision shall be recorded at the Barnstable Registry of Deeds.
- F. 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 DEPARTMENT

PILAINNING BOJARD APPLICATION SPECIAL PERMITS & SITE PLAN REVIEW

FORM A



TO THE TOWN CLERK, HARWICH, MA

DATE December 1, 2020

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	Wychmere Harbor Real Estate, LLC
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Andrew L. Singer, Esq. Law Office of Singer & Singer, LLC
Mailing address	c/o Law Office of Singer & Singer, LLC P.O. Box 67
Town, ST, Zip	Dennisport, MA 02639
Phone	508-398-2221
Fax	508-398-1568
E-mail	alsinger@singer-law.com

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

X Owner □ Prospective Buyer* □ Representative for Owner/Tenant/Buyer*

Tenant* D Other*

*Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

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 Bylaws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Wychmere Harbor Real Estate, LLC

Applicant By: Andrew L. Singer, Esq.

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

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
Case #	

Legal Street Address	23 Snow Inn Road, Unit 12	Village/Zip Code Harwichport
Title Book/Page or L.C.C. #	Book 24547, Page 55	
Map(s) / Parcel(s)	Map 8, Parcel P-2 -12	
Zoning & Overlay Districts	RH-3 and RL	*Historic?
Frontage (linear feet)		
Total land area (s.f.)	See Plans and Narrative	
Upland (s.f.)		Wetlands (s.f.)

PART B – PROJECT LOCATION

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross:		Net:	
Proposed Floor Area in Sq. Ft	Gross:	See Plans and Narrative	Net:	
Change in Sq. Ft + / -	Gross:		Net:	
Existing # of parking spaces	See Plan & Na	arrative Proposed # of	parking spaces: See Plan & Narrativ	/e
Existing Use(s)	Recreation a	nd Amusement Services & Rea	staurant - Beach Club	
Proposed Use(s)	Proposed us	es are same as existing uses		
Attach a separate narrative if necessary.	, , , , , , , , , , , , , , , , , , , ,			

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: (check all that apply)

Site Plan Review § 325-55:

Any floor area expansion of any structure or expansion of exterior space, other than parking. serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window

Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.

Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.

Establishment of any new retail use(s) in the Industrial (IL) Zone.

□ Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

□ Paragraph____, sub-paragraph #_____ □ Paragraph____, sub-paragraph #_ □ Paragraph____, sub-paragraph #____, supplemental regulation #_____ § 325-14

Article X. Special Permits:

Structures w/ gross floor area of 7,500+ s.f. § 325-51

□ Structures requiring 20 or more new parking spaces § 325-51

□ Accessory Apt./Shared Elderly Housing § 325-51.H □ Mixed Use § 325-51.M

□ Drinking Water Resource Protection § 325-51.C Two Family § 325-51.N

□ Village Commercial, Harwich Port § 325-51.L □ *Harwich Center Overlay § 325-51.O

□ Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

Other Special Permits:

Six Ponds Special District - Article XVI

□ Wind Energy Systems - Article XVIII □ Large Scale Wind Generation – Article XIX

Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B)

Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on Year/Case #

*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 and Historical Commission. Please inquire for forms and instructions.

September 2011

Town of Harwich Planning Board

Applicant:Wychmere Harbor Real Estate, LLCProperty:23 Snow Inn Road, Harwichport, MA

<u>Applicant/Property</u>. The Applicant, Wychmere Harbor Real Estate, LLC, owns the Wychmere Beach Club located at 23 Snow Inn Road in Harwichport. The Property, which is shown as Parcel P-2 on Harwich Assessors Map 8, is currently improved with the buildings, amenities, and facilities that comprise the Wychmere Beach Club, including the Snow Inn Hotel and Channel House, and the separate Wychmere Shores residences.

<u>Proposal</u>. The Applicant is seeking permission to further amend the Special Permit Decision granted earlier this year in Case Nos. 2019-27 and 2020-23, or in the alternative, a new Special Permit, to make additional alterations to the previously-approved design of the redeveloped Beach Club at the southern end of the Property--redesignate the approved "infant pool" to "young adult pool," add an infant pool, create a fenced, natural-lawn service alley along the east side, and make accompanying landscape and walkway revisions. There will be no change to the previously-approved buildings or use.

January 8, 2021

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

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

Re: PB2020-32, PB2019-27, PB2020-23 Wychmere Harbor Real Estate LLC

Members of the Harwich Planning Board -

We have lived in Harwich for thirty years and own a home adjacent to the Beach Club that is included on the abutter list. Thank you for receiving this letter and incorporating same in your deliberations.

We believe the Applicant intends to make club property available to the general public, contrary to their practice since acquiring the club in 2010, and contrary to their claims and assertions related to this Planning Board application dating back to 2019. Please recall the Applicant's well documented position in February 2020 when you voted to approve their application:

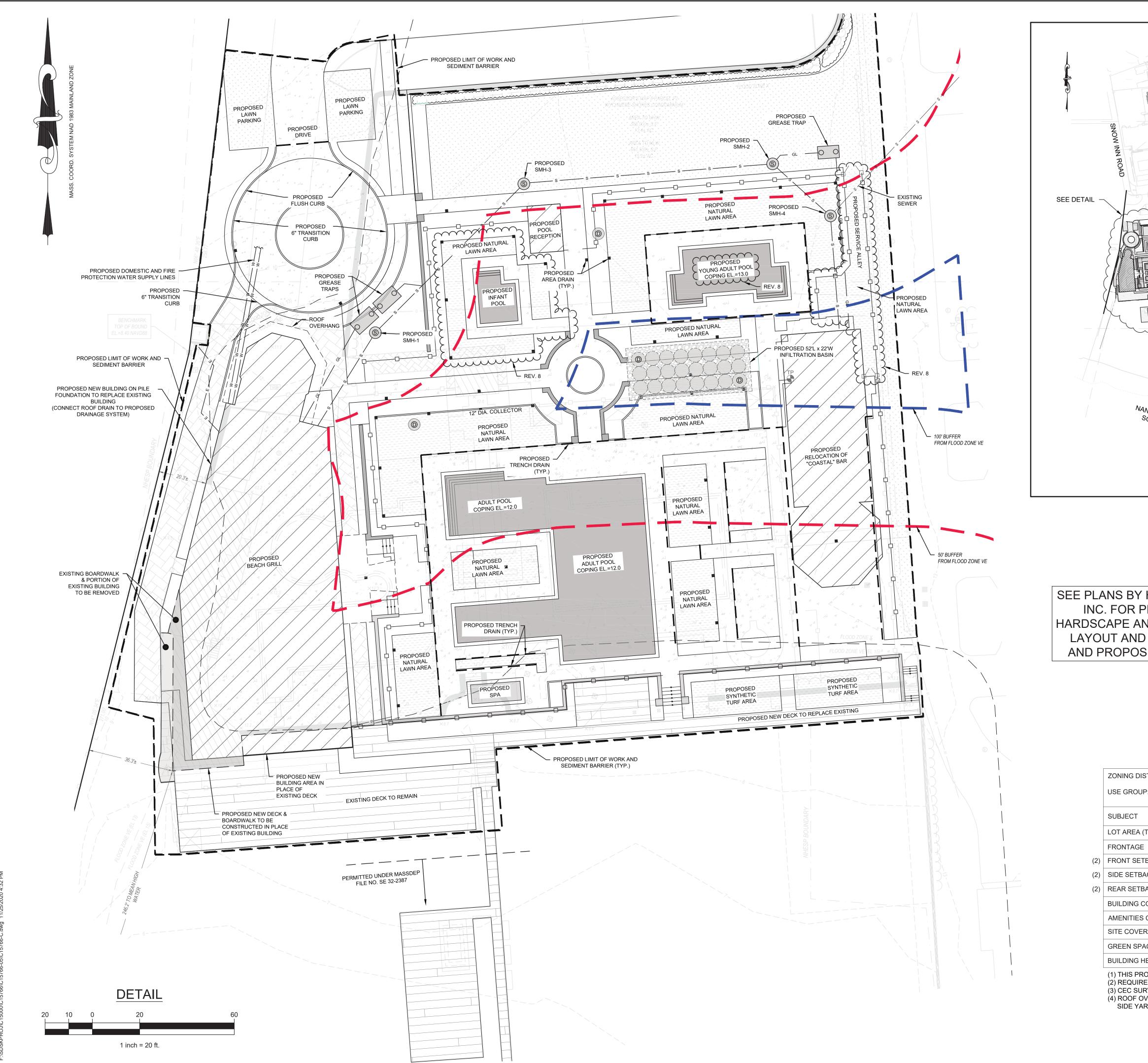
 "There will be no change in the existing private Beach Club use at the Property, and the Beach Club will continue to be a private facility. The replacement Beach Grill dining facilities will not be open to the general public, and there will be no change in the approved density and use on the Property".

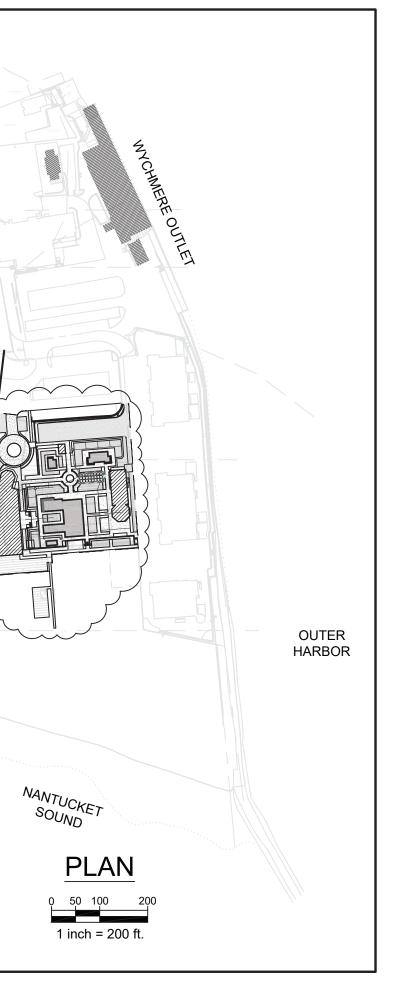
(Please see ZBA approval dated 2/11/20, item #1, page 3 – and included as page #10 in the Harwich Planning Board meeting packet dated 2/25/20).

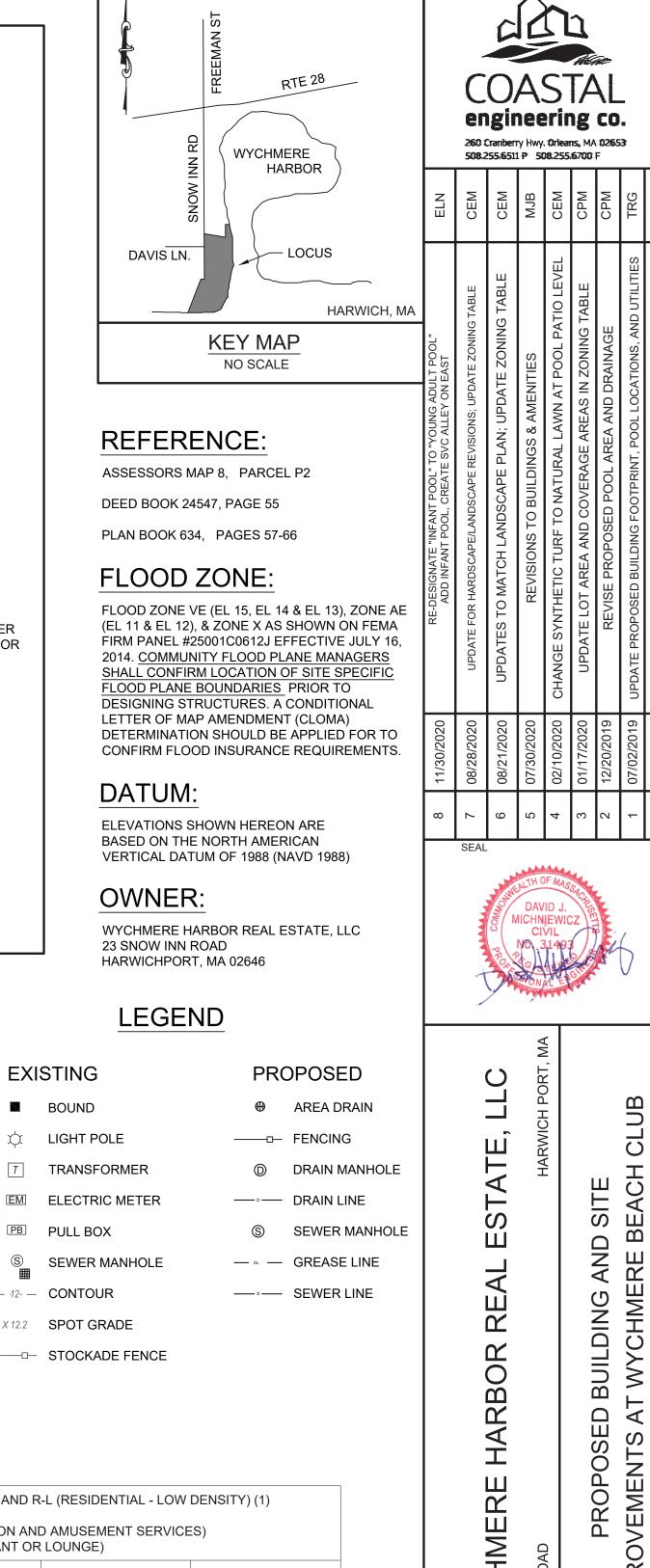
Since the Applicant's pledge to maintain private Beach Club use at the Property was a key factor in your deliberations when you voted in favor of the project nearly eleven months ago, we request that a member of the Planning Board, at the January 12, 2021 meeting, ask the applicant to simply reaffirm this important position. Applicant should be able to easily assert for the record, as they did previously to gain your support, that the Beach Club will continue to be a private facility, and that the replacement Beach Grill dining facilities will not be open to the general public.

Respectfully submitted,

Tom & Lonnie Cosmer







WYCHMERE

SCALE

DATE

DRAWN BY

CHECKED BY

PROJECT NO.

DRAWING FILE

Р В

Σ

AS NOTED

6/12/2019

DJM

C15766-C.dwg

TRG/CEM/MJE

C2.2.1

<u>1</u> OF <u>1</u> SHEETS

C15766.05

HAWK DESIGN,
PROPOSED
ND LANDSCAPE
D MATERIALS,
SED GRADING

- LIGHT POLE T TRANSFORMER
- EM ELECTRIC METER
- PB PULL BOX
- 12- CONTOUR
- X 12.2 SPOT GRADE
- ------ STOCKADE FENCE

STRICT: RH-3 (RESI	DENTIAL-HIGH DENSITY) AND R	-L (RESIDENTIAL - LOW	DENSITY) (1)	
IP: PARAGRAPH IV -	USE: 30 (RECREATION AND 32 (RESTAURANT OR	D AMUSEMENT SERVICE LOUNGE)	ES)	
	REQUIRED	EXISTING	PROPOSED	
(TO M.L.W.)	40,000 S.F. MINIMUM	661,500 S.F. (3)	NO CHANGE	
Ē	150 FT MINIMUM	447.91 FT	NO CHANGE	
TBACK (BUILDING)	25 FT MINIMUM	301.9± FT	257± FT	
ACK (BUILDING)	20 FT MINIMUM	20.3± FT (4)	NO CHANGE	
BACK (BUILDING)	20 FT MINIMUM	246.2± FT (TO MHW)	NO CHANGE	
COVERAGE	15% MAXIMUM	10.2% (67,683± S.F.)	11.5% (76,217± S.F.)	- REV. 8
COVERAGE	15% MAXIMUM	29.9% (197,824± S.F.)	28.4% (187,566± S.F.)	Ŕ
RAGE (TOTAL)	35% MAXIMUM	40.1% (265,507± S.F.)	39.9% (263,783± S.F.)	Ŕ
ACE	15% MINIMUM	59.9% (395,993± S.F.)	60.3% (398,653± S.F.)	ر ہ
HEIGHT	50 FT & 4 STORIES MAXIMUM		SEE ARCH. PLANS	2020

(1) THIS PROJECT IS LOCATED ENTIRELY WITHIN THE RH-3 ZONING DISTRICT. (2) REQUIRED SETBACKS SHOWN ARE FOR RH-3 ZONING DISTRICT.

(3) CEC SURVEY AUGUST 15, 2019.

(4) ROOF OVERHANG AT NORTHWEST CORNER OF BEACH GRILL BUILDING PROJECTS INTO SIDE YARD SETBACK 1.4'± < 2' ALLOWED (325-18 F.(3))

ISSUED FOR PLANNING BOARD AND ZBA REVIEW

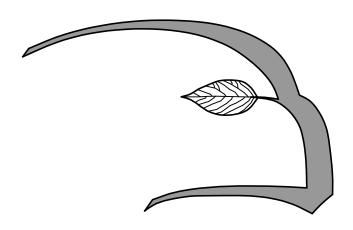
OF DRAWINGS:
OVERALL SITE PLAN
MATERIALS ENLARGEMENT PLAN
MATERIALS ENLARGEMENT PLAN
PLANTING SITE PLAN
PLANTING ENLARGEMENT PLAN
PLANTING ENLARGEMENT PLAN
LIGHTING SITE PLAN
LIGHTING ENLARGEMENT PLAN
LIGHTING ENLARGEMENT PLAN
GRADING SITE PLAN
GRADING ENLARGEMENT PLAN
GRADING ENLARGEMENT PLAN
CONSTRUCTION DETAILS
CONSTRUCTION DETAILS
LIGHTING SPECIFICATIONS

WYCHMERE BEACH CLUB 22 SNOW INN RD, HARWICH PORT, MA

LANDSCAPE SUBMISSION SET

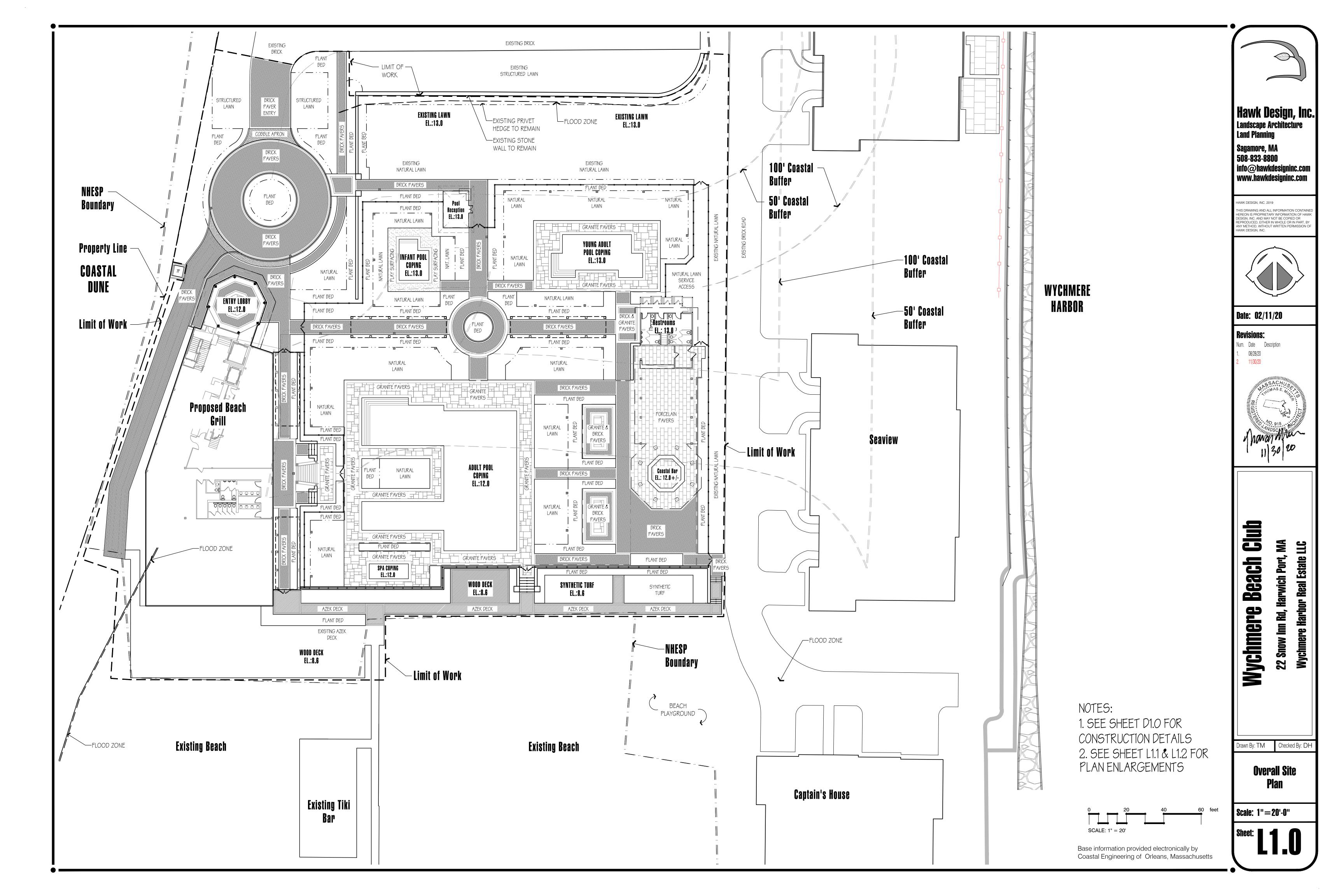
SET DATE	REVISION DATE	REVISION DATE
02/11/20	08/28/20	11/30/20
08/28/20		11/30/20
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02/11/20	08/28/20	11/30/20
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08/28/20		11/30/20
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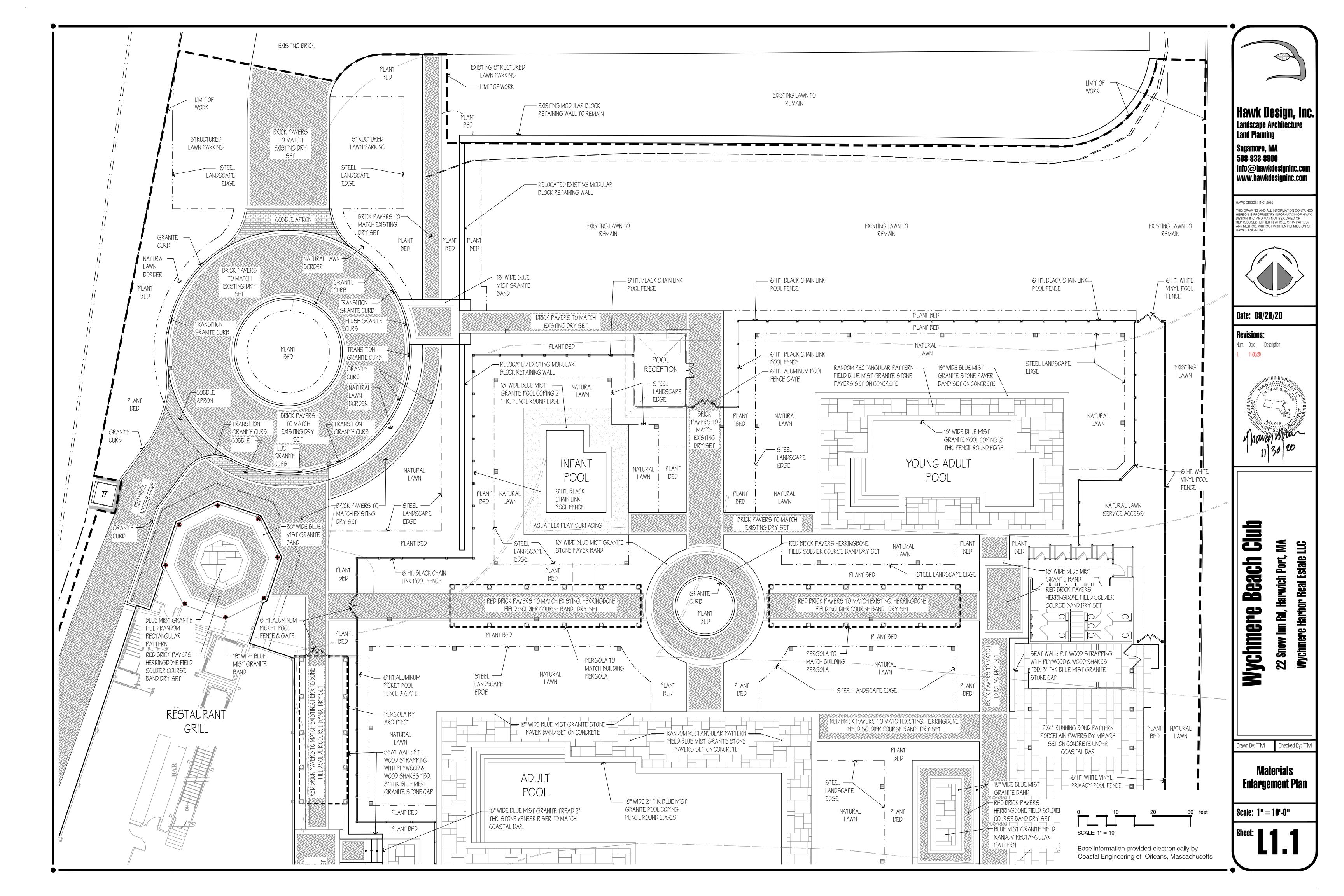
PREPARED BY:

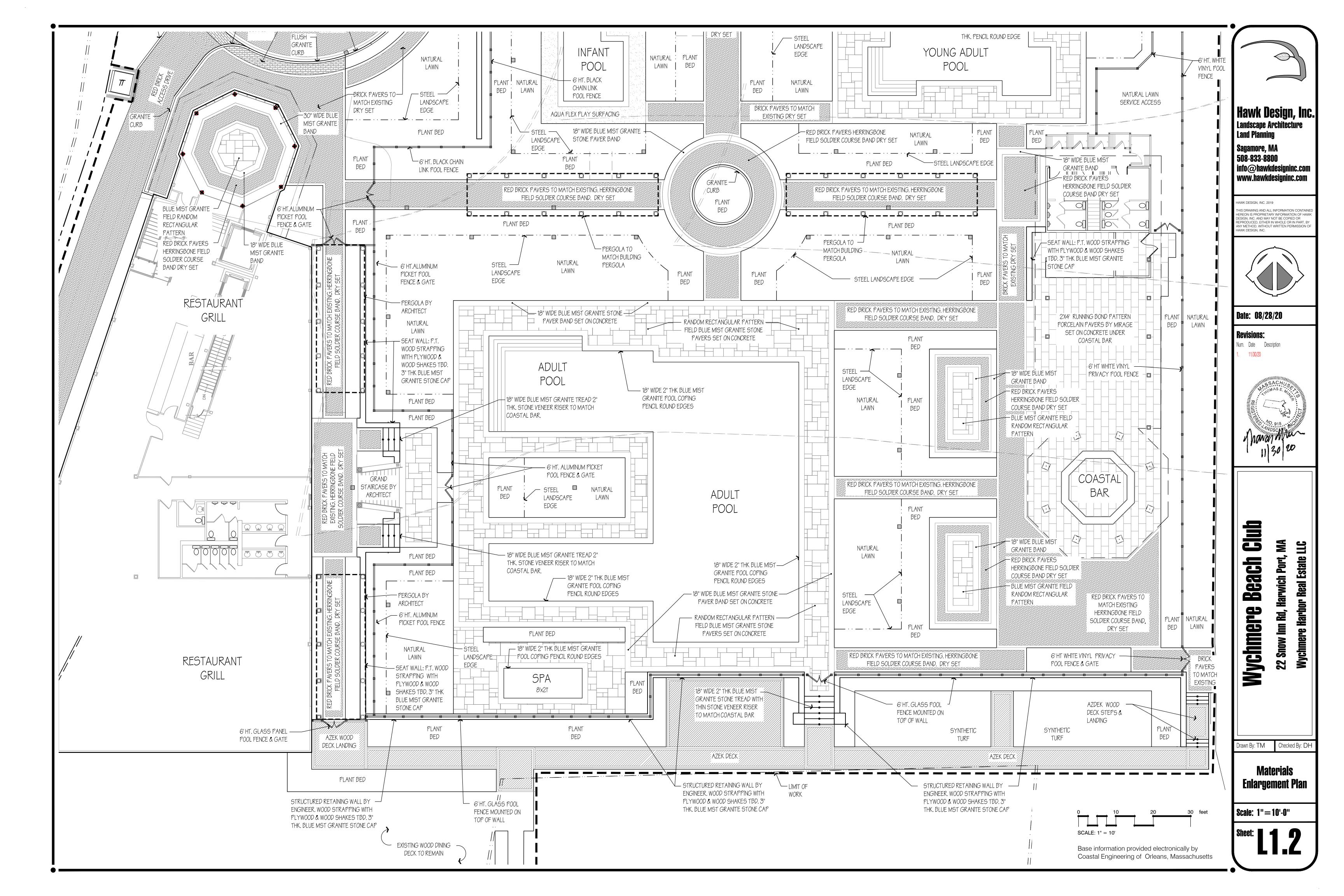


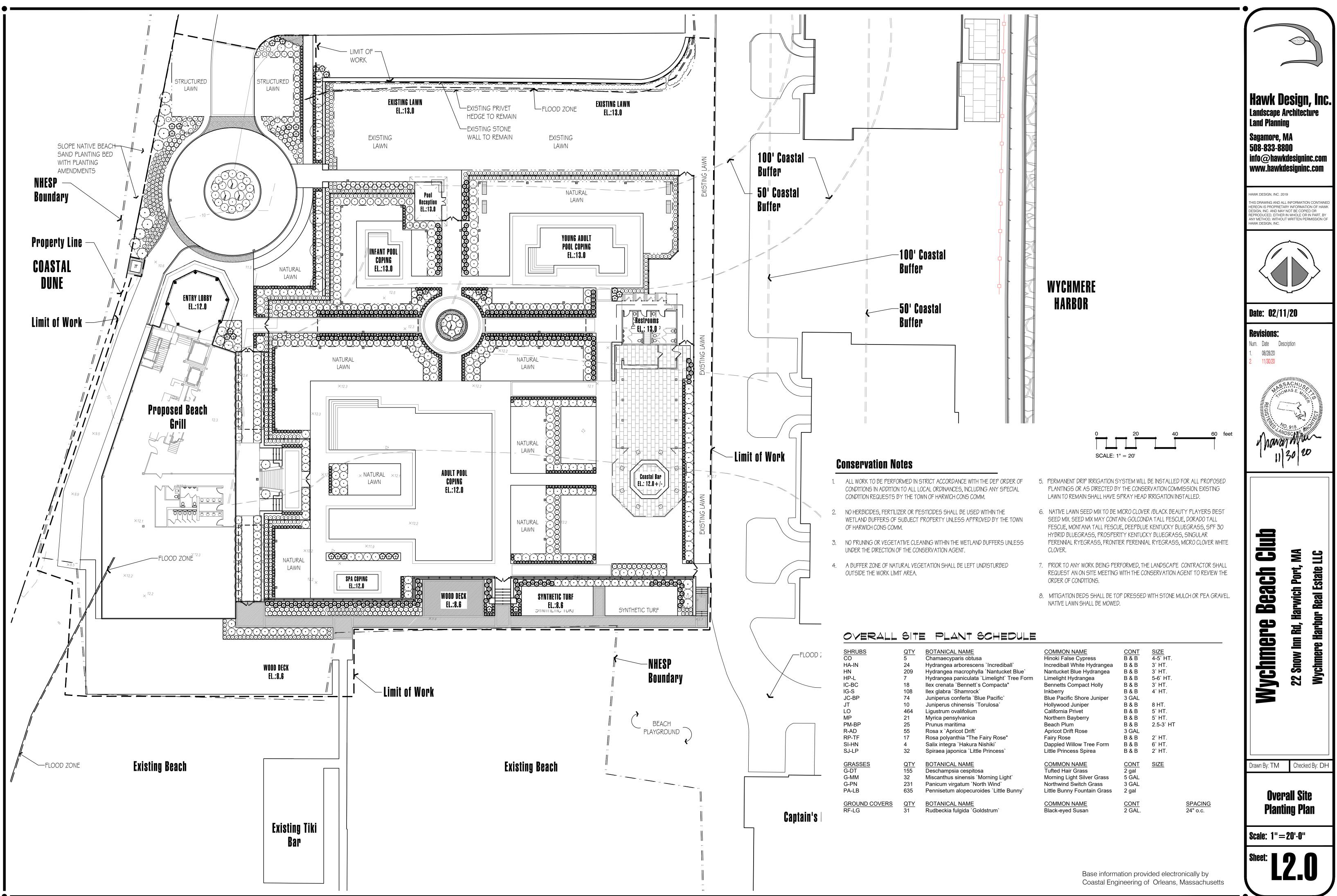
Hawk Design, Inc. Landscape Architecture Land Planning

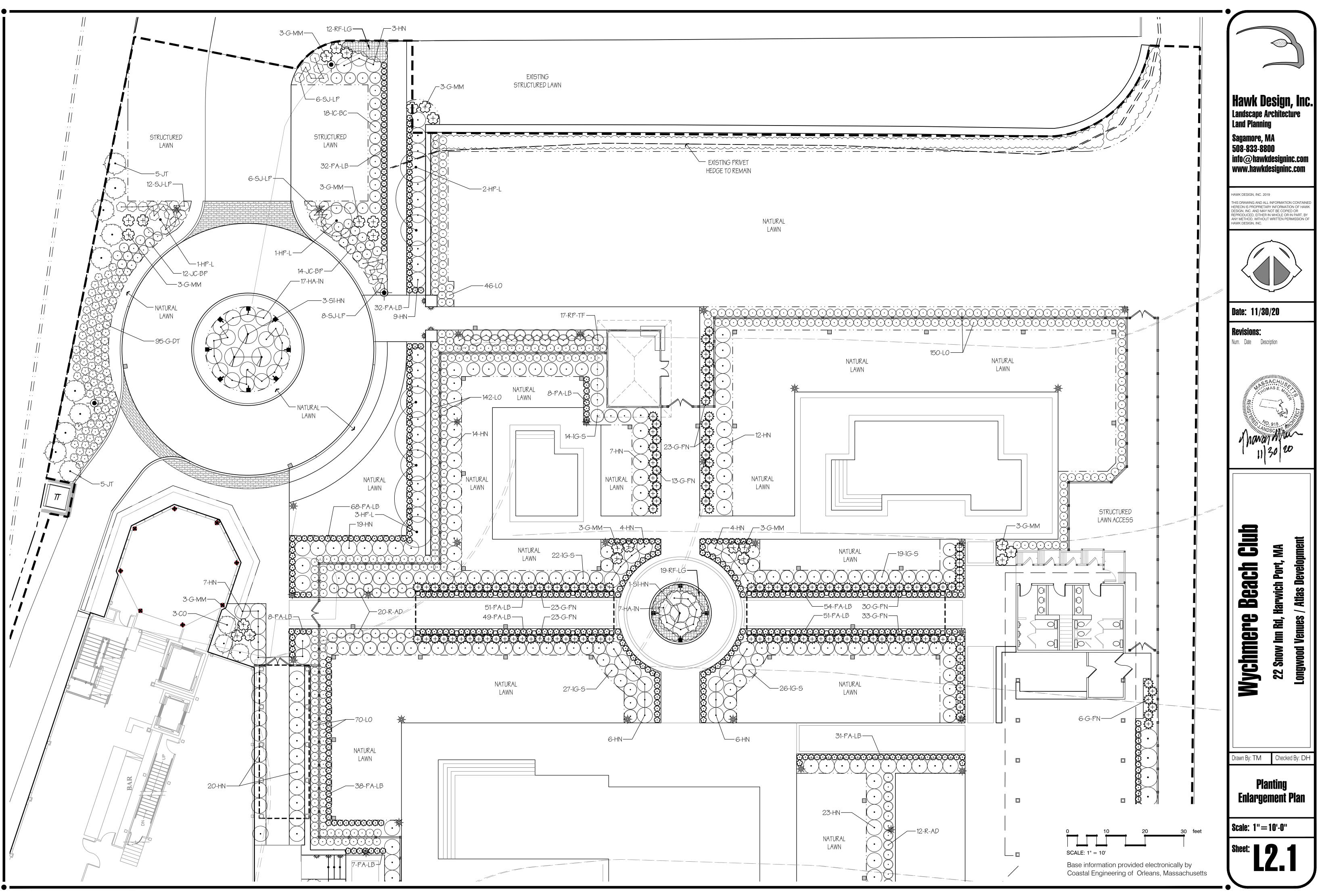
Sagamore, MA 508-833-8800 info@hawkdesigninc.com





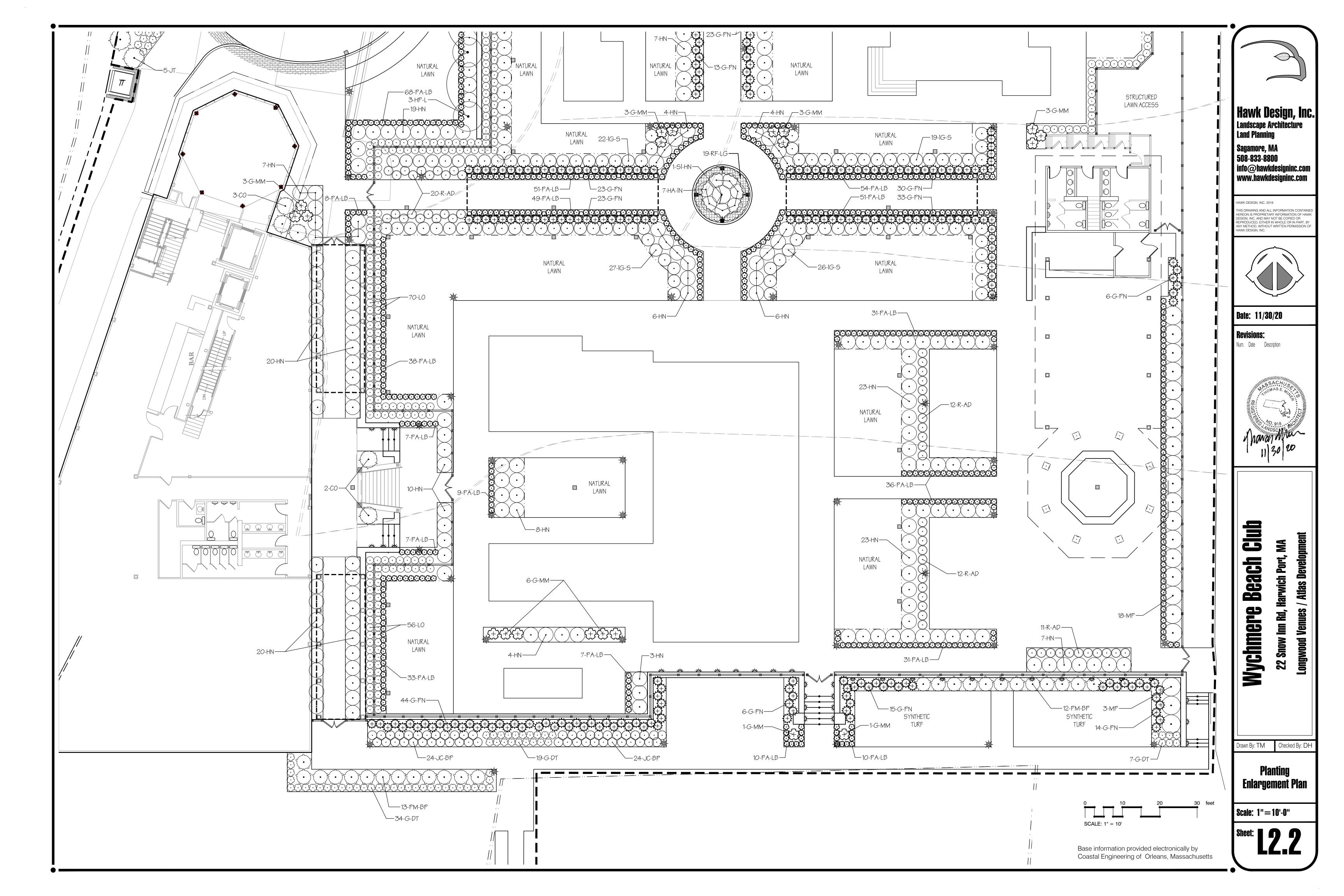


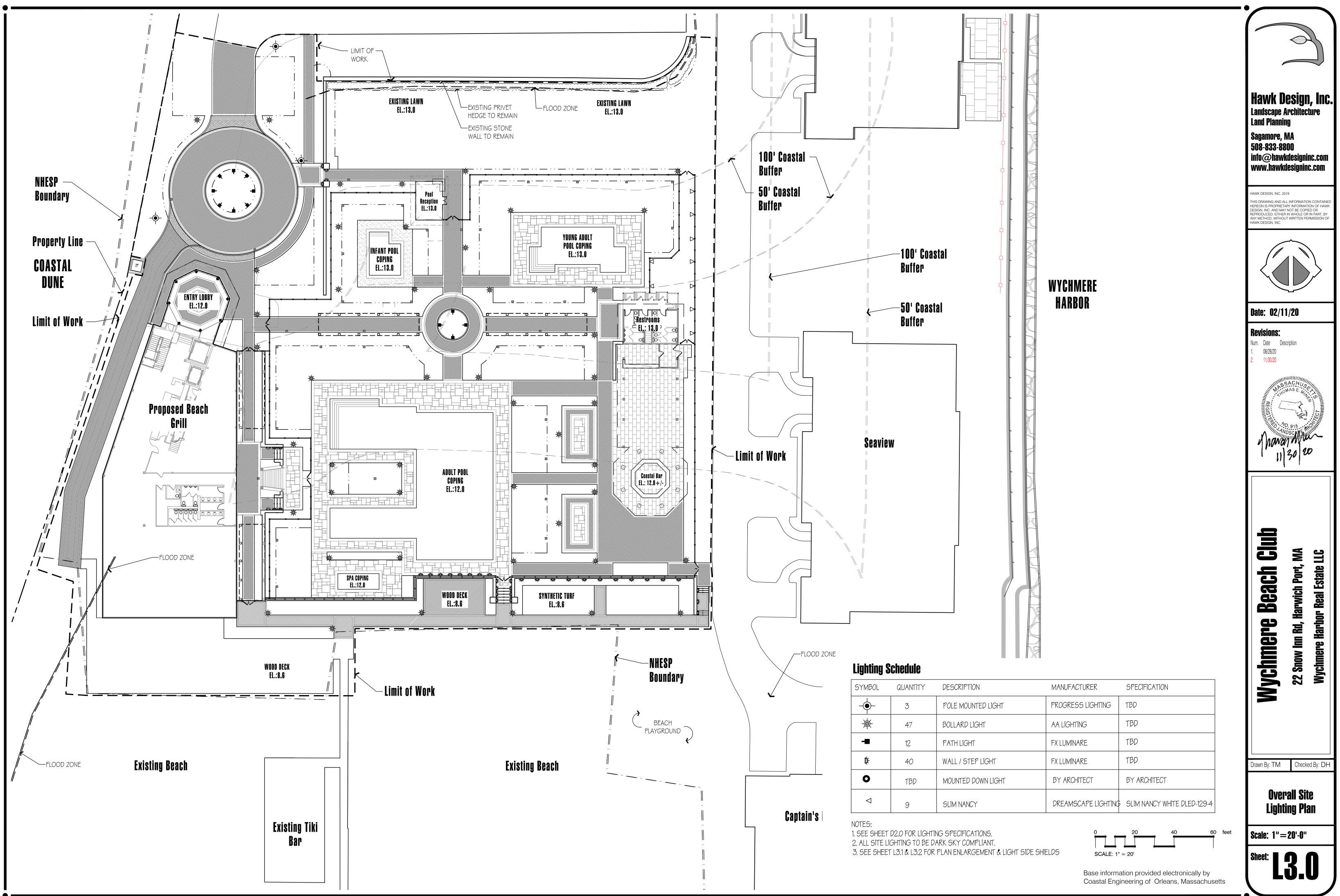


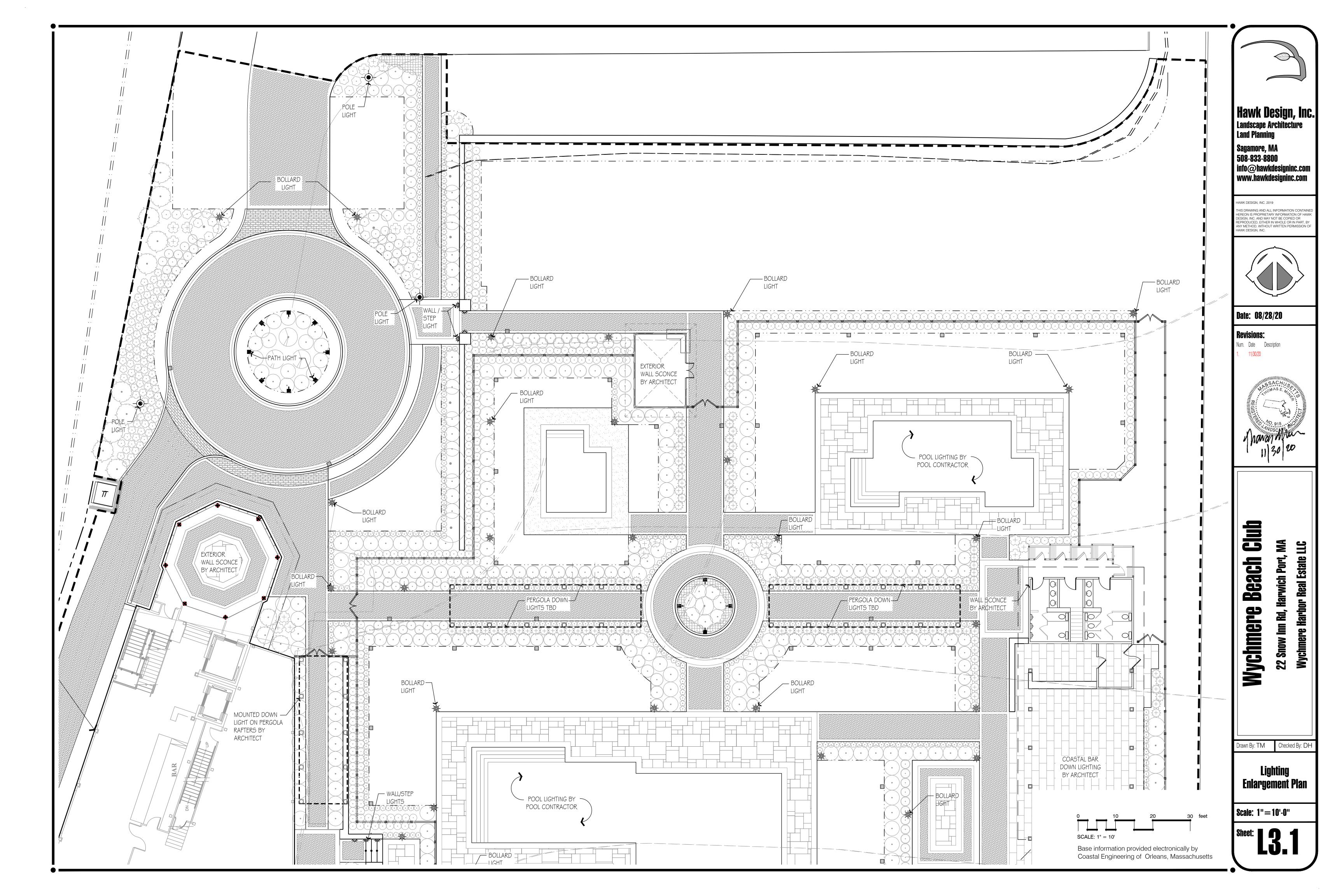


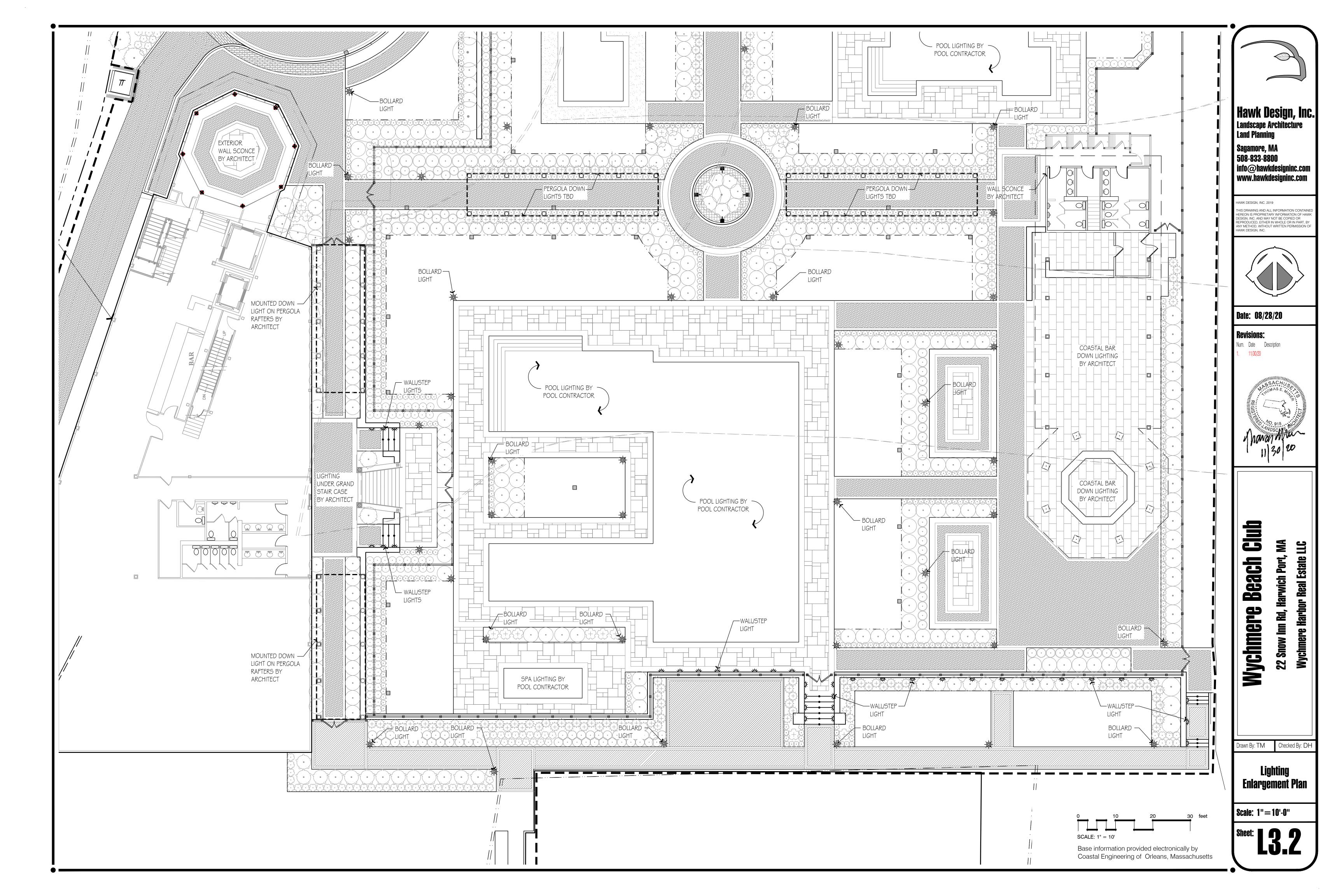


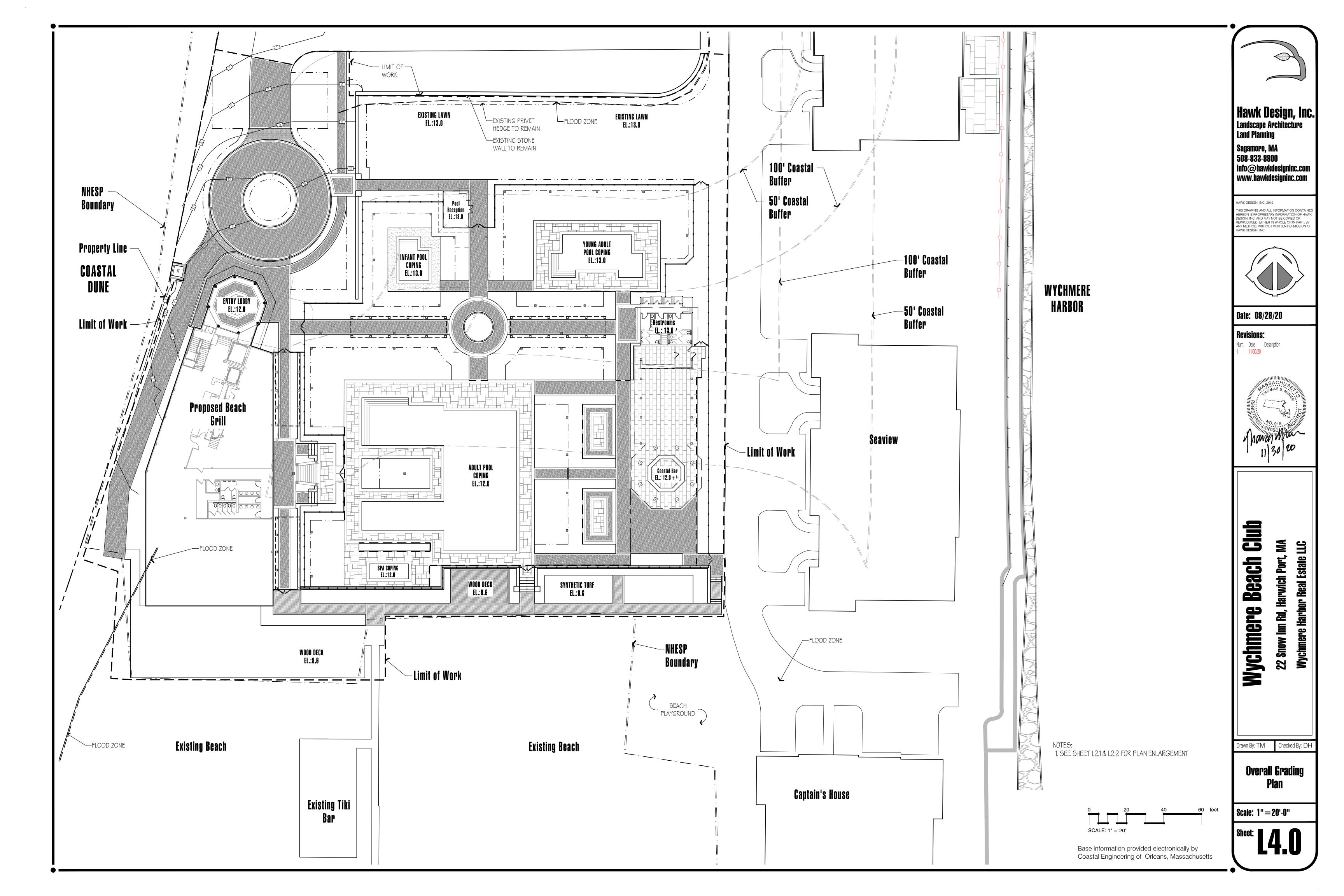


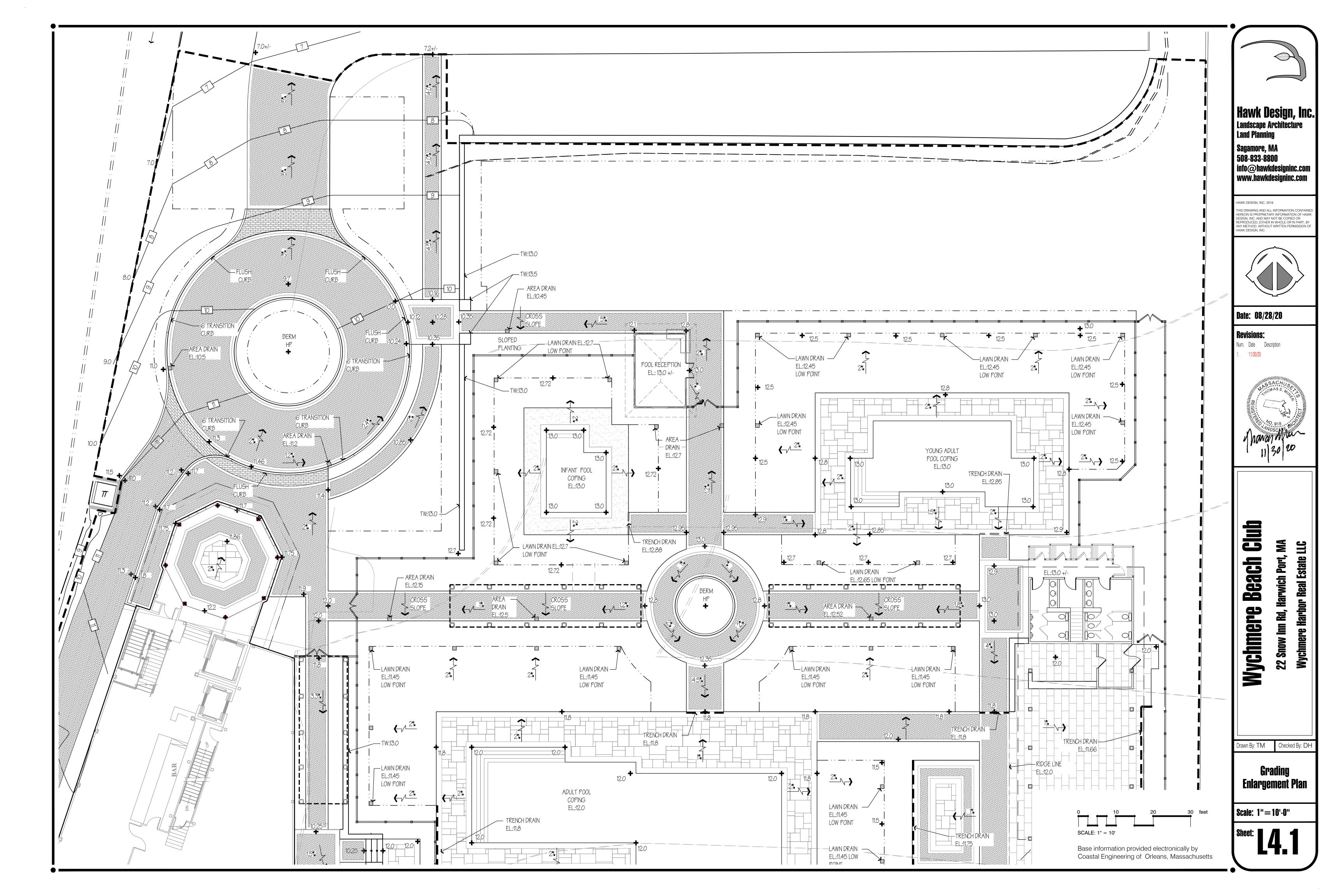


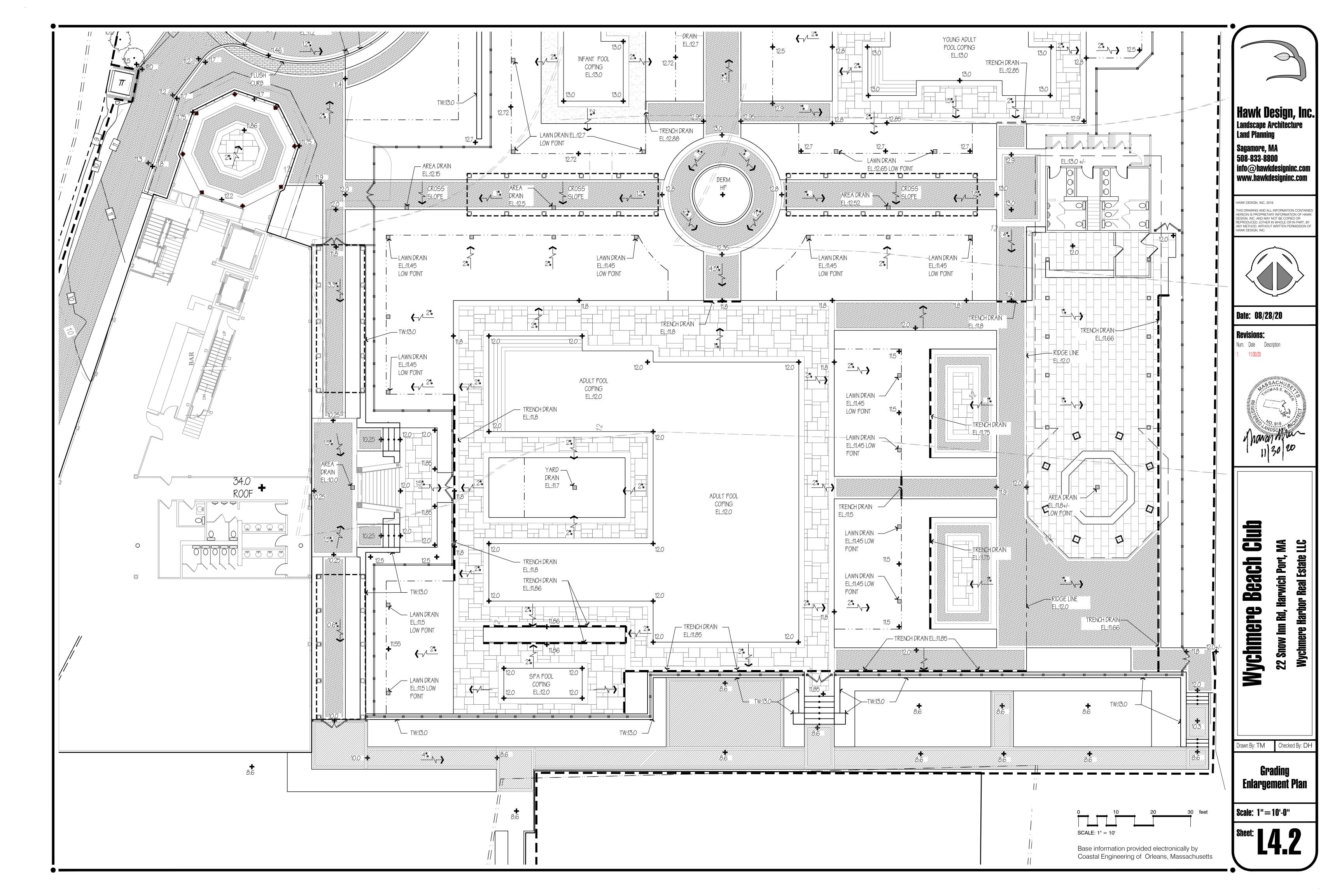


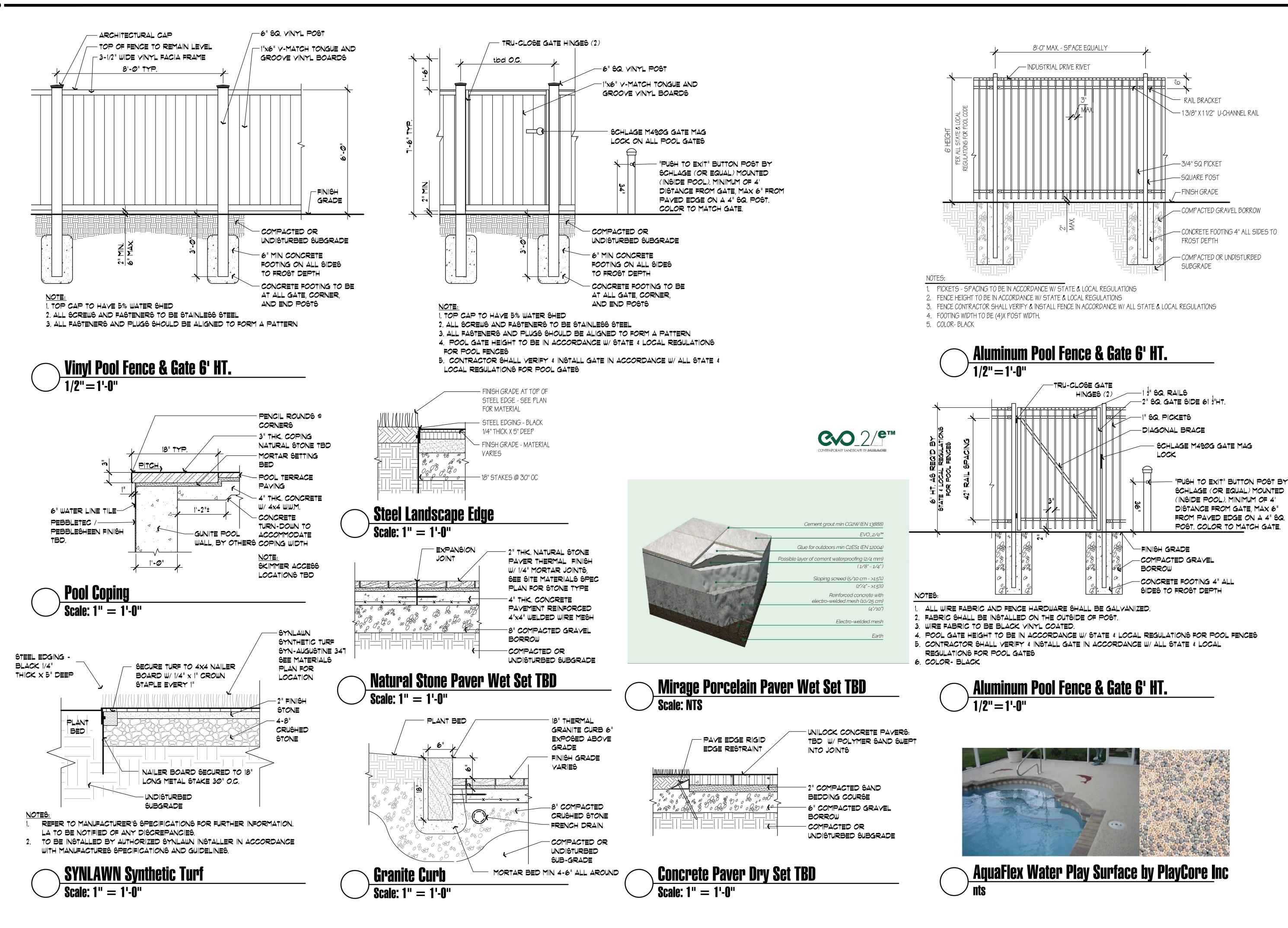


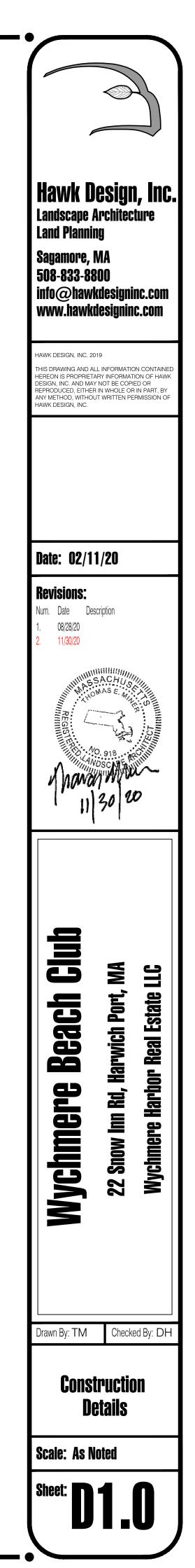


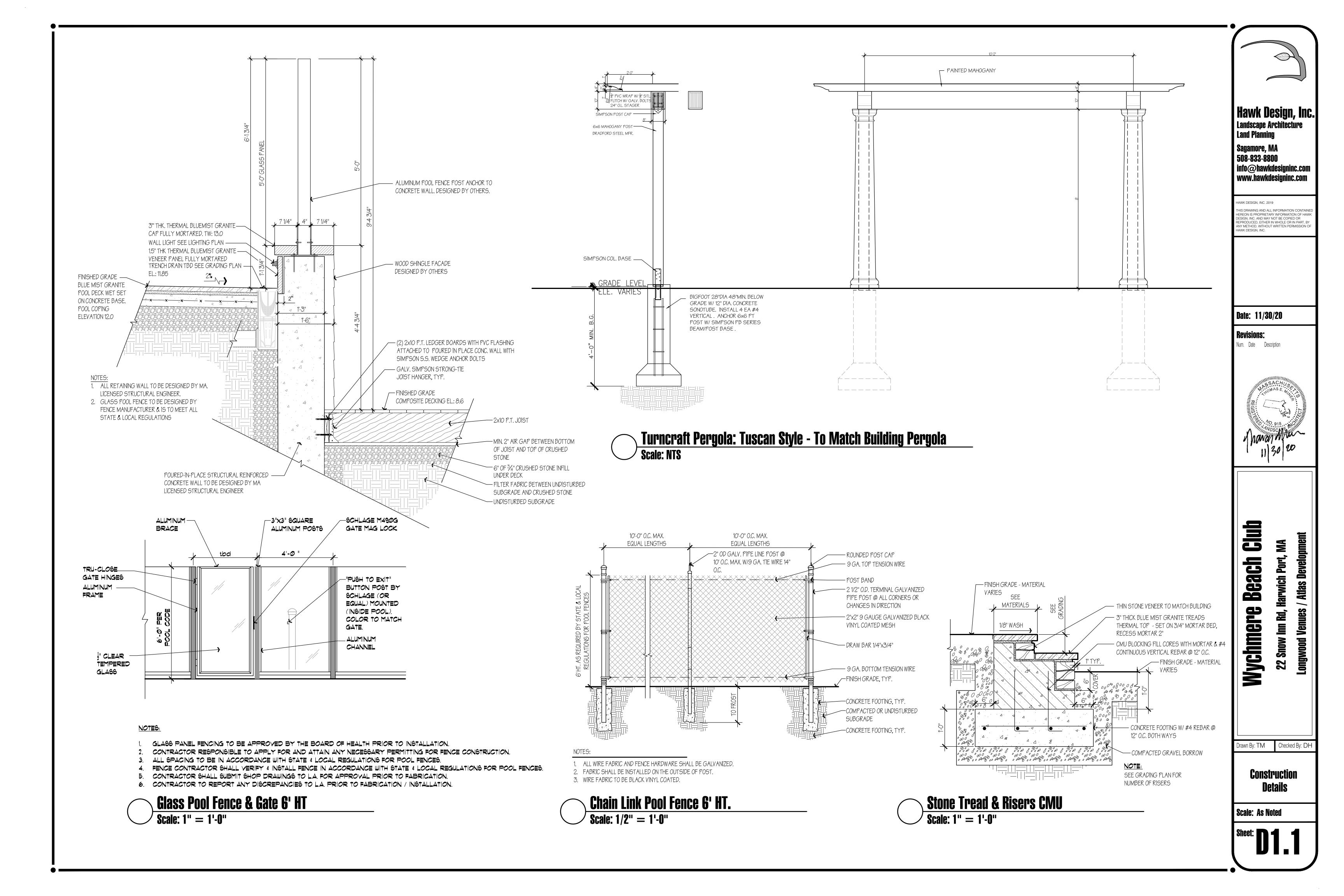












Fixture Type: Location:

Contact:

Images:

PCPTS SERIES

LED Post Top Designer

Specifications:

Construction:

Traditional style post top luminaire with decorative cast aluminum cap mechanically attached to optical chamber. Cast aluminum multi-sided cage with UV stabilized acrylic lenses sealed for weather tight operation. Aluminum lower electrical chamber with bottom fitter to mount to 3"OD x 4"H tenon.

Optics:

One piece optical system with internal brass standoffs soldered to the board which can be field replaced. Two-piece die cut silicone and polycarbonate foam gasket ensures weather-proof seal around each individual LED and allows luminaire to be rated for high-pressure hose down applications. The optical cartridge is secured to extruded housing with fasteners and heat pad to ensure thermal conductivity. Optics held into place without use of adhesives and complete assembly is gasketed for high pressure hose down cleaning.

Electrical:

Luminaire equipped with LED driver that operates with 120–277V universal voltage, 50/60Hz and includes 0-10V dimming capability. Power factor is 0.92 at full load. All electrical components rated at 50,000 hours at full load and 250C ambient conditions. Thermal feedback between PCB and driver to protest luminaire from excessive temperature by reducing drive current as necessary. Surge protection standard with device providing surge current rating of 20KA using 8/20 pSec wave, LSP clamping voltage of 825V and surge rating of 540J.

Finish:

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

Listing/Certification:

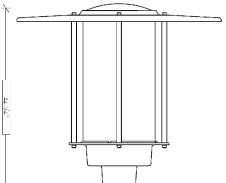
The luminaire bears an NRTL label and is marked suitable for wet locations.

Warranty:

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



Wattage Lumens



Progress Lighting • 701 Millennium Boulevard • Greenville, SC 29607

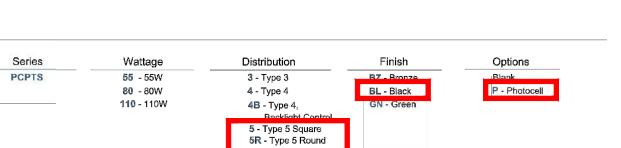
PROJECT

CATALOG #

TYPE

NOTES

LED Wall Lights





FXLuminaire.

Scale: nts



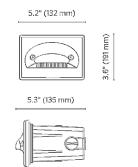
UN Wall Light DESIGNER PREMIUM

Subtle, curved design elements adds style to this recessed wall light. 1 LED. Available in brass.

Quick Facts

LANDSCAPE LIGHTING

- Die-cast brass construction Color temperature filters Natural, powder coated, or
- antiqued brass finish Cree[®] integrated LEDs
- Tamper-resistant features
- Compatible with Luxor[®] technology
- Phase and PWM dimmable Input voltage: 10–15V



PROGRESS LIGHTING"

PCAD SERIES

Specifications:

Construction:

The decorative pendant mount luminaire is pendant mounted in place The driver is located in the cast aluminum top housing and is access ing the lower shade assembly. The lower shade assembly is a one-pi

Optics:

One piece optical system with internal brass standoffs soldered to the replaced. Two-piece die cut silicone and polycarbonate foam gasket e around each individual LED and allows luminaire to be rated for high plications. The optical cartridge is secured to the aluminum heat sin thermal conductivity. Optics held into place without use of adhesive is gasketed for high pressure hose down cleaning.

Electrical:

Luminaire equipped with LED driver that operates with 120-277V u and includes 0-10V dirnming capability. Power factor is 0.92 at ful ponents rated at 50,000 hours at full load and 40°C ambient condibetween PCB and driver to protect luminaire from excessive tempera rent as necessary. Surge protection standard with device providing su using 8/20 pSec wave, LSP clamping voltage of 825V and surge ratir

Finish:

Polyester powder paint finish that is corrosion resistant and resists s inch-pound.

Listing/Certification: The luminaire bears a CSA label and is marked suitable for wet location

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

Catalog number:

Series PCADS - Designer Small PCADL - Designer Large

27LED - 24LEDS @ 27W 55LED - 24LEDS @ 55W 85LED - 36LEDS @ 85W 110LED - 48LEDS @ 110W** 136LED - 60LEDS @ 136W**

Engine/Wattage

For more information visit our website: www.progresslighting.com



	Lightorde		ATION	
Fixture	Luxor Option	Output	Finish	
UN*	[default] Zone	1LED 11 Lumens	BS Natural Brass	
	Zone/Dim		Bronze Metallic	
			DG Desert Granite	
			WI Weathered Iron	
			SB Sedona Brown	
			E FB Black	
			WG White Gloss	
			E FW Flat White	
			Almond	
			SV Silver	PF Path Light
			Nickel Plate	
			Antique Bronze	Sleek hat area light in 1 LED.
			Artique Tumbled	construction.
UN-ZD-1LED-FB	E CONFIGURATION: With Cover (25002204000	0) UN -	- 1LED -	Quick Facts Copper/brass construction
MOUNTING	G OPTIONS: Spec	ify Separately		 Natural, powder coated, or antiqued copper/brass Cree[®] integrated LEDs
Accessories	S	Code		Tamper-resistant features
WALL LIGHT		EKITWALL		
	LIGHTING			LANDSCAPE LIGHTING

MOUNTING OPTIONS: Specify	Separately
Accessories	Code
WALL LIGHT CONNECTION KIT	EKITWALL



Project: Fature Type: Location: Contact: Location: Location: Location: Contact: Images: Image: Image: Image: Image: Image: Image: Image: Image: <							
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4 - Type 4 CR - Cast Rings				BL - Black	PC12	0 - 120V Photocel	
				Gini - Green			
		4W - Type 4 W				Backlight Control	
SR - Type 5 Rectangle SW - Type 5 Round			-				

Alternate Site Light on 12' HT. Pole

ATURES						
Sensor and wireless operation Field rotatable optics and housing Custornizable side panels 120-277, 347 and 480VAC input IDA Dark Sky Approved with clear len and 3000K	 True IES distribit 3000K, 4000K, Uniformly diffus 20kV/10kA surg ses Integral thermal IP66 	5000K CCT eed lens ge protection) 3	US SOOOK and w	armer CCTs only	
AENSIONS				_	~	
KB6 /ERALL HEIGHT 42° / 1067mm /ERALL LENGTH 6° / 152mm /ERALL WIDTH 6° / 152mm INDOW HEIGHT 19.9° / 51cm INDOW WIDTH 4° / 10cm EIGHT 30 lbs./13.6kg	* Housing and optical distribut are independently field rotate-					
	in 90° increments . Default fact orientations shown above.		LEFT	BACK	RIGHT	
	DISTRIBUTION OUTPU	T* Street Side		House Side		
	SHIELDING SIDE	А	В	С	D	
RDERING INFORMATION	3	4	5	6	7	
KB6 Y5	No Shield	3000k	TBD	TBD	TBD]
Model Distribution		Light Engine	Controls	Voltage	Fixture Finish	_
. MODEL IB6 6" Square x 42 0AH boilard . DISTRIBUTION 2 IES Type II, clear lens 3 IES Type IV, clear lens 4 IES Type IV, clear lens 5 IES Type V, clear lens D Symmetric distribution, diffused len . SHIELDING 2 Optional, may choose from 1 to 3 sides lossed from options A, B, C, D or you may hoose HSS option. A Short side closed 3 Side 90° counterclockwise from short side closed 3 Side 180° counterclockwise from short side closed 4 Side 270° counterclockwise from short side closed 5 Side 380 Si	2040 4000 2030 3000 1050 5000 104C 4000 1030 3000 560nm monochroma package available by 5. CONTROL May choose one SC-MW Motio WIR wiSca BPC Butter 6. VOLTAGE 120-277VAC inpu 347 347V	K CCT, 29 watts K CCT, 29 watts K CCT, 29 watts K CCT, 14 watts K CCT, 14 watts K CCT, 14 watts tic amber and or custom lu request. ¹	9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	MDB Bronze AG Mediun T Titaniur VH Arctic V VDB Weather /BU Verde B Premium Color SHK Shamro SPK Shamro SPK Shamro SPK Satanc SPM Seafoar VCP Weather AL RAL 4 c CUSTOM Custom Contact factory House side shield as:	Green lack onze een e een e voy luminum Motallic n Gray n Motallic n Gray n Vhite ed Bronze lue k to k Pepper n red Copper ligit Color Color	
ARCHITECTUPAL AREA LIGHTING 17760 Rowland Street I City of Ind 26.968.5666 F 626.369.7		JOB TYPE NOTES		and is independent o	i valor nodolity.	1

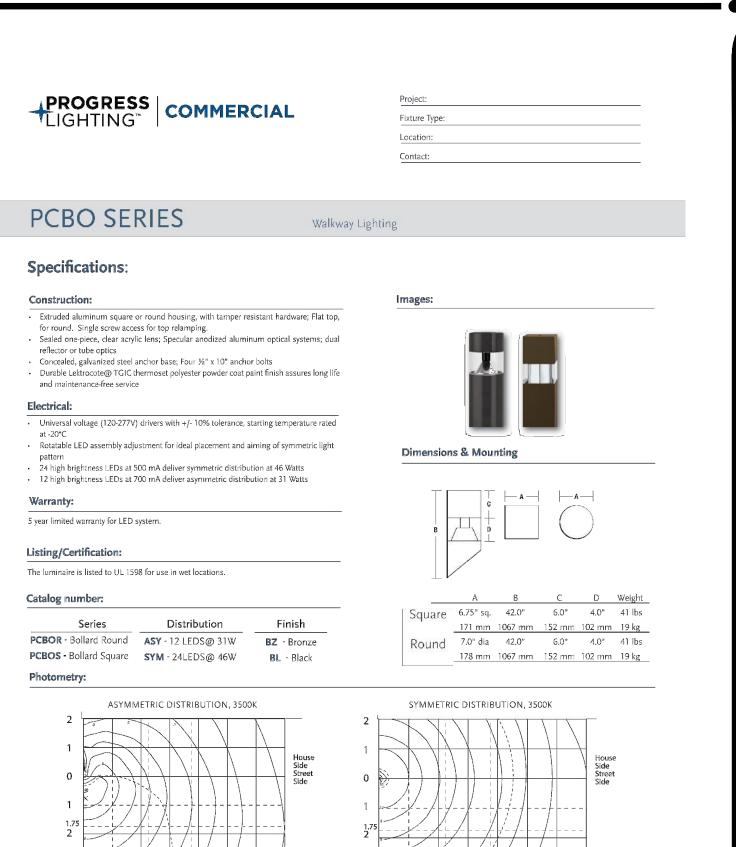


Д		
	PROJECT	
	CATALOG #	
ii	TYPE	
	NOTES	

DESIGNER PREMIUM

. Copper and brass 5.1" (130 mm) Color temperature filters Compatible with Luxor[®] technology Phase and PWM dimmable Input voltage: 10-15V

Path Light Scale: nts



1 2^{2.25} 3^{3.75} 4 5 6

Progress Lighting • 701 Millennium Boulevard • Greenville, SC 29607

Distance In Units of Mounting Height Values Based on 3.5 Foot Mounting Height



1 2 2.25 3 3.75 4 5 6

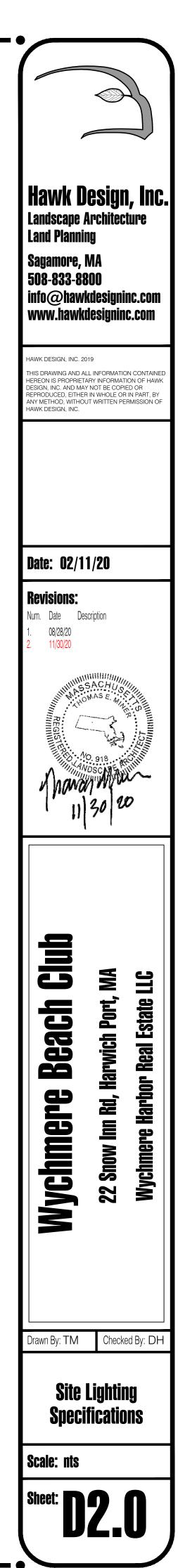
Distance In Units of Mounting Height Values Based on 3.5 Foot Mounting Height

For more information visit our website: www.progresscommercial.com

PF Path Light ordering information

ixture	Luxor Option	Output	Riser	Finish			
₽F*	■ [default] Zone	1LED 33 Lumens	■ 8RA 8" (203 mm) Riser	CU Natural Copper	Pai	EFW Flat White	
ZD Zone/Dim		12RA 12" (305 mm) Riser	B Z Bronze Metallic		■ AL Almond		
		18RA 18" (457 mm) Riser	DG Desert Granite		Silver		
		24RA* 24" (610 mm) Riser	■ WI Weathered Iron		□ AB Antique Bronze		
		36RA* 36" (914 mm) Riser	■ FB Black		Artique Tumbled		
			₩G White Gloss		■ NP Nickel Plate		
	URE CONFIGURATION: ner Slot Spike (753900)		PF -	- 1LED -	_		
Ships with Suj	URE CONFIGURATION: Der Slot Spike (753900) NG OPTIONS: S	Specify Separat		- 1LED -	-		
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MOUNTI MOUNTI SUPER J- 2.5" (64 m POST MO 2.5" (64 m GROUND 2.7" (67 m VERSABC 2.2" (57 m PROAIM SPIKE	NG OPTIONS: S NG OPTIONS: S nm) x 12" (305 mm) UNT nm) x 13" (33 mm) MOUNT nm) Diameter	Specify Separat Code SJ-XX* PM-XX* GM-XX* VB-050-XX* PARS		- 1LED -	-		

LANDSCAPE LIGHTING



Memorandum from Charleen Greenhalgh, Town Planner Town of Harwich

AGENDA ITEM # III.A

February 10, 2021

To: Planning BoardFrom: Charleen Greenhalgh, Interim Town PlannerRe: PB2020-28 Cape Cod Oil Co. – 6 Station Avenue

The Board opened this public hearing on December 1, 2020 and continued to January 12, 2021. The applicant's representative, Gregory Driscoll, has requested a further continuance:

On behalf of the Applicant, Mr. Hurst Tasha of M.J.T. Trucking, Inc., we hereby request a continuance from the next scheduled Planning Board hearing on February 23, 2021 to the hearing on April 13, 2021. This request is in reference to the Site Plan Approval filing for the proposed propane tank installation at 6 Station Avenue in Harwich.

RECOMMENDED MOTION:

Move to continue the public hearing for PB2020-28 Cape Cod Oil Co. to Tuesday, April 13, 2021, not earlier than 6:30pm.



508-430-7511 fax: 508-430-4703

AGENDA ITEM # III.B

To: Planning Board

From: Charleen Greenhalgh, Town Planner

Date: February 10, 2021

Re: Staff Report #3– Site Plan Review & Use Special Permits

PB2020-34 Cool Change LLC, Allen Harbor Marine, applicant & owner, c/o Rob O'Neill, representative, seeks a Site Plan Review and Use Special Permit pursuant to §§325-55; 325-13, Use Table, paragraph IV.19; and 325-51 to construct a 4,102 square foot commercial building for a marine use (boat maintenance and repair) and associated parking for property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district.

The Planning Board opened the public hearing on this matter on Tuesday, January 26, 2021. The hearing was then continued to February 9, 2021 and further to February 23, 2021.

Description

The applicant seeks approval for a Site Plan Review Special Permit and a Use Special Permit for a marine use. The property is currently undeveloped; however the restaurant use to the west has a parking easement on this parcel. The application was filed with the Town Clerk on December 22, 2020. Revised plans were submitted on January 13, 2021 and February 1, 2021 and include the following:

- 1. Form A Special Permits & Site Plan Review
- 2. Site Plan Review Narrative, dated December 18, 2020 by Stephen S. Morrell, AIA
- 3. Municipal Lien Certificate
- 4. AMENDED project narrative dated October 22, 2020 by Benjamin E. Zehnder
- 5. Packet of previous Board of Appeals decision and other correspondence
- 6. Set of Plans for Allen Harbor Marine Bldg Project, prepared by GenCon and Green Seal Environmental, Inc., Stuart D. Clark, P.E. dated December 17, 2020, with a latest revision date of 1/8/21 (unless otherwise noted):
 - a) Sheet G-00, General Notes, Not To Scale (NTS)
 - b) Sheet C-00, Existing Conditions, scale 1'' = 20'
 - c) Sheet C-01, Site Plan, scale 1'' = 20', revised 1/27/21
 - d) Sheet C-02, Utilities Plan, scale 1'' = 20'
 - e) Sheet C-03, On-Site Sanitary Disposal System, scale As Noted
 - f) Sheet C-04, Erosions Control Plan, scale 1'' = 20'
 - g) Sheet C-05, Watershed Areas, scale 1'' = 30'
 - h) Sheet C-06, Traffic Circulation C-06 Plan, scale 1'' = 20'
 - i) Sheet C-07, Landscape Plan C-07, scale 1'' = 20', revised 1/27/21
 - j) Sheet D-00, Details, scale An Noted

- 7. Set of Building Plans for Allen Harbor Marine Bldg Project, prepared by GenCon:
 - a) Sheet A1.1, Floor Plan, Sections & Elevations, scale As Noted, dated 1/27/21.b) Renderings (showing three garage doors)
- 8. Response Letter, by Rob O'Neill, Project Manager (GenServ)
- 9. Site Plan Review Application Narrative, dated November 6, 2020 by Stephen S. Morrell, AIA
- 10. Waiver Request, by Rob O'Neill, Project Manager (GenServ)
- 11. Exterior Light Fixtures, by Rob O'Neill, Project Manager (GenServ) nine (9) cut sheets are included.

Please note that only the recently submitted plans will be contained in the Board's paper packets and consist of: A1.1, C-01, C-07 and Renderings as the Board members received all the plans in the packet for January 26th. The online packet will have all the plans and other information.

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 §325-13 and §325-51 for the Use Special Permit and §325-55 for the Site Plan Review Special Permit.

Waivers

The applicant had requested waivers for landscaping and plantings and curbing and wheel stops. These waivers are no long required (See staff comments and finding below).

Comments from other Boards, Departments, Committees

Health: A fully compliant septic system must be approved prior to any building permit issuance. **Fire, Police, Water, DPW/Highway:** No issues, comments or concerns.

Conservation: Any work in the FEMA Flood Zone requires Conservation Commission approval, as this is Land Subject to Coastal Storm Flowage.

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. At the last meeting with the Planning Board the Board request additional information including: landscaping, updated renderings, and updated site plan showing wheelstops along the easterly parking, the use of the two parking spaces on the westerly side, closest to the building, to be used only during the restaurant use hours and the parking space dimensions. All these have been submitted as requested.
- 2. We still encourage one central curb cut. Because this is a change of use this would need to go to MassDOT for a curb cut permit. This can be made a condition of approval.
- 3. One letter from an abutter, Linda Reid, was received. A copy is attached.
- 4. The Zoning Board of Appeals approved variances for setbacks for the building and parking pursuant to Case #2020-41.
- 5. There is an easement for parking for the restaurant next door (Villa Roma). The parking needs for each use will be offset by the nature of each business and the hours of operation.

- 6. At this time it appear that all requirements of the zoning bylaws have been met.
- 7. Reasonable conditions are recommended including:
 - a. A fully compliant septic system must be approved prior to any building permit issuance.
 - b. Any work in the FEMA Flood Zone requires Conservation Commission approval, as this is Land Subject to Coastal Storm Flowage.
 - c. A Massachusetts Department of Transportation ("MassDOT") may be required as this is a change of use. Any changes to the entrance to the site as a result of this review shall not require further review from the Planning Board. A copy of the MassDOT curb cut permit shall be filed with the Planning Office.
 - d. All signage shall comply with the Sign Code and Building Department Requirements.
 - e. All lighting shall comply with the Lighting Code.
 - f. No outside storage of boats or other materials shall be permitted.
 - g. Any changes to the approved site may require additional review and approvals from the Planning Board.
 - h. This decision shall be recorded at the Barnstable County Registry of Deeds.
 - i. Conformance with all review procedure requirements outlined pursuant to the Code of the Town of Harwich §400-18.G Inspection, certificate of completion and as-built plan shall be met.

VOTES

Continuance

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

Move to continue the hearing for **PB2020-34 Cool Change LLC**, to no earlier than 6:30 pm on _____ (Next Meeting Dates: *Mar. 9, Mar. 23*) for the following reason(s):

IF THE BOARD IS READY TO RENDER A DECISION

I. <u>Vote to Close the Public Hearing</u>

II. Vote to Adopt Proposed Findings:

To adopt the following finding of fact (*the Board may wish to add or change findings*):

- 1. The property is located with the CH-1 zoning district.
- 2. Subject property is burden by a parking easement by the adjacent parcel to the west.
- 3. The Marine Use is allowable with a Use Special Permit.
- 4. Dimensional variances for the building and parking setbacks were approved by the Harwich Zoning Board of Appeals pursuant to Case #2020-41.
- 5. Appropriate and adequate landscaping has been provided.
- 6. Appropriate and adequate parking shall be provided on the subject site.
- 7. The use as developed will not adversely affect the neighborhood.
- 8. The specific site is an appropriate location for such a use.
- 9. There will be no nuisance or serious hazard to vehicles or pedestrians.
- 10. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including appropriate sewage treatment.

<u>Vote on Use Special Permit</u> (*Please Note*: An affirmative vote by at least five Planning Board members is required.)

- 1. To **approve with conditions** case PB2020-34 Cool Change LLC for a Use Special Permit pursuant to §325-13, Use Table, paragraph IV.19 and §325-51 for a Marine Use (boat maintenance and repair) for property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district, 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. The following condition is imposed: (*Note: need to determine and outline the conditions.*)
 - 1.) No outside storage of boats or other materials shall be permitted.
- 2. To **deny** case number case number PB2020-34 Cool Change LLC for a Use Special Permit pursuant to §325-13, Use Table, paragraph IV.19 and §325-51 for a Marine Use (boat maintenance and repair) for property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district, 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...(*Note: need to list the specific requirements that have not been satisfied.*)

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

- I. To approve with conditions case number PB2020-34 Cool Change LLC for a Site Plan Review pursuant to §§325-55 to construct a 4,102 square foot commercial building for a marine use (boat maintenance and repair) and associated parking at property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and the fact that the Marine Use is permitted by Special Permit in the zoning district. The following conditions are imposed:
 - 1. A fully compliant septic system must be approved prior to any building permit issuance.
 - 2. Any work in the FEMA Flood Zone requires Conservation Commission approval, as this is Land Subject to Coastal Storm Flowage.
 - 3. No outside storage of boats or other materials shall be permitted.
 - 4. A Massachusetts Department of Transportation ("MassDOT") may be required as this is a change of use. Any changes to the entrance to the site as a result of this review shall not require further review from the Planning Board. A copy of the MassDOT curb cut permit shall be filed with the Planning Office.
 - 5. All signage shall comply with the Sign Code and Building Department Requirements.
 - 6. All lighting shall comply with the Lighting Code.
 - 7. Any changes to the approved site may require additional review and approvals from the Planning Board.
 - 8. This decision shall be recorded at the Barnstable Registry of Deeds.
 - 9. 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.

II. To *deny* case number PB2020-34 Cool Change LLC for a Site Plan Review Special Permit pursuant to §§325-55 to construct a 4,102 square foot commercial building for a marine use (boat maintenance and repair) and associated parking at property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district, based on the fact that the Use Special Permit was denied and therefore the Site Plan Review Special Permit cannot be granted.

212 Renfrew Ave, Trenton, NJ 08618 February 9, 2021

Town of Harwich Planning Board

> Re: 282 Route 28 Cool Change, LLC

Dear Members:

I am writing as the owner of 276 Route 28, the west side abutting property.

I have 2 concerns.

The 1st and major concern is the probability of storm water run off from the subject property.

The elevation of the subject property is higher than my adjoining property, and I am concerned with the increased elevation, the size of the building, and the majority of the lot being covered to provide parking that rain water will drain to the lowest point which is the NW corner of my lot, the area of the 3 overflow parking spaces and the "rain garden" in the dogleg portion of the subject property.

All of the lots along Route 28 slope from the road downward to the rear of the properties, the lowest point is where the subject property meets the NW corner of my lot.

Tyler Lane and it's cul-de-sac are also a higher elevation than the area where my lot meets the "dogleg" portion of 282 Route 28.

I am hoping, that perhaps a driveway curbing, along the paved portion between the building and along the stockade fenced portion that leads to the rear parking spaces might stop the storm water run off and direct the water toward the rain garden.

The 2nd concern is regarding the water tank within the building,. I see on the drawings that the tank is alarmed, but in the case of a tank failure, 1500 gallons of water is a lot of water that would rush in many directions. In case of an accident is there any safety plan for the tank. Will the tank remain filled throughout the portion of the year when repair work is happening, even when there are no employees at the property?

Thank you for your consideration

Linda Reid, owner 276 Route 28.

GENCON

November 6, 2020

Harwich Planning Department 732 Main Street Harwich, MA 02645

Re: Site Plan Review Application Narrative Proposed Boat Maintenance and Repair Building 282 MA Route 28 Harwich, MA

The proposed use for the lot is for boat maintenance and repair. The owner is proposing a structure to house these activities in lieu of having the boats and accompanying work out in the open. It is believed this structure would benefit the abutters both aesthetically and via a major reduction of the noise associated with the work on the boats. There is a parking easement that has been granted to the adjacent restaurant which restricts the buildable area of the lot. This easement grants access to the 14 spaces in front of the building. As the operating hours of the two business do not overlap, these spaces will be used by the restaurant during their business hours and by the owner at all other times.

The proposed building will 60'x78'. It will be 25' above average grade at its highest point. Site work will include but not be limited to minor grading, 3 new parking spaces, a new septic system, a tight tank, and a rain garden.

Very truly yours,

Hip hig Money

Stephen S. Morrell, AIA Lead Architect



Harwich Planning Department Ms. Charleen Greenlagh 732 Main Street Harwich, MA Attn: Ms. Greenlagh

RE: PB-2002-34 Waiver Request

Ms. Greenlagh,

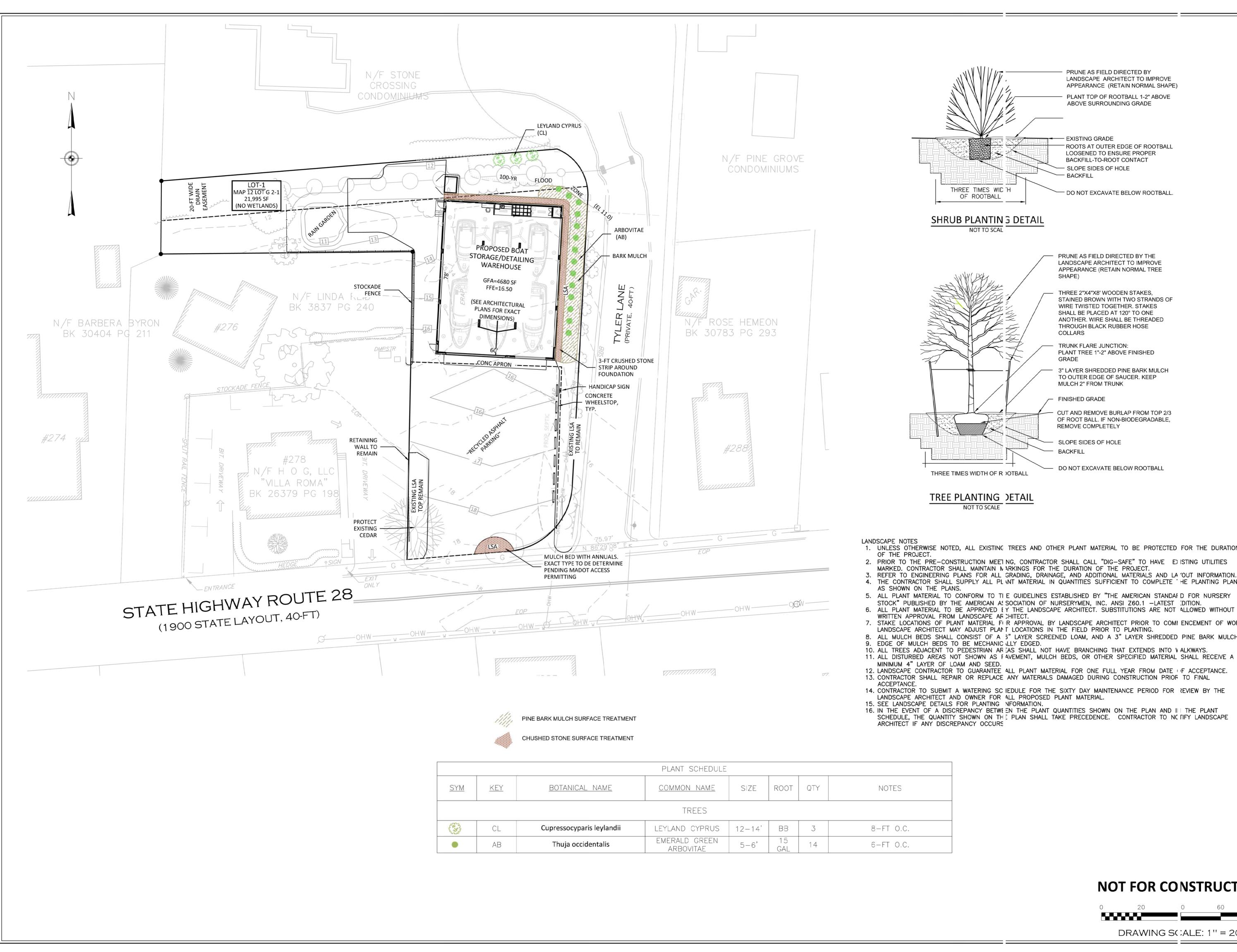
Please see the below waivers requested for the Allen Harbor Marine project at 282 Rt 28.

- 1. We are requesting a waiver on landscaping and plantings for this project. The adjacent Tyler Lane subdivision includes landscaping and plantings. The current site for Allen Harbor and proposed building does not allow for planting/landscape areas.
- 2. We are requesting a waiver on curbing and wheel stops due to this will impede on the maneuverability of boats coming in and out of the site.

Thank you,

Ronall

Rob O'Neill Project Manager



	PLANT SCHEDULE								
<u>SYM</u>	KEY	BOTANICAL NAME	COMMON NAME SIZE ROOT			QTY	NOTES		
	TREES								
56°.93	CL	Cupressocyparis leylandii	LEYLAND CYPRUS	12-14'	BB	3	8-FT O.C.		
•	AB	Thuja occidentalis	EMERALD GREEN ARBOVITAE	5-6'	15 GAL	14	6-FT O.C.		

PRUNE AS FIELD DIRECTED BY LANDSCAPE ARCHITECT TO IMPROVE APPEARANCE (RETAIN NORMAL SHAPE) PLANT TOP OF ROOTBALL 1-2" ABOVE ABOVE SURROUNDING GRADE

- EXISTING GRADE ROOTS AT OUTER EDGE OF ROOTBALL LOOSENED TO ENSURE PROPER BACKFILL-TO-ROOT CONTACT - SLOPE SIDES OF HOLE BACKFILL

- DO NOT EXCAVATE BELOW ROOTBALL.

PRUNE AS FIELD DIRECTED BY THE LANDSCAPE ARCHITECT TO IMPROVE APPEARANCE (RETAIN NORMAL TREE SHAPE)

THREE 2"X4"X8' WOODEN STAKES, STAINED BROWN WITH TWO STRANDS OF WIRE TWISTED TOGETHER. STAKES SHALL BE PLACED AT 120° TO ONE ANOTHER. WIRE SHALL BE THREADED THROUGH BLACK RUBBER HOSE COLLARS

TRUNK FLARE JUNCTION: PLANT TREE 1"-2" ABOVE FINISHED GRADE

3" LAYER SHREDDED PINE BARK MULCH TO OUTER EDGE OF SAUCER. KEEP MULCH 2" FROM TRUNK

- FINISHED GRADE

- CUT AND REMOVE BURLAP FROM TOP 2/3 OF ROOT BALL. IF NON-BIODEGRADABLE, REMOVE COMPLETELY

- SLOPE SIDES OF HOLE BACKFILL

DO NOT EXCAVATE BELOW ROOTBALL

1. UNLESS OTHERWISE NOTED, ALL EXISTING TREES AND OTHER PLANT MATERIAL TO BE PROTECTED FOR THE DURATION 2. PRIOR TO THE PRE-CONSTRUCTION MEETING, CONTRACTOR SHALL CALL "DIG-SAFE" TO HAVE EVISTING UTILITIES MARKED. CONTRACTOR SHALL MAINTAIN NARKINGS FOR THE DURATION OF THE PROJECT. 3. REFER TO ENGINEERING PLANS FOR ALL GRADING, DRAINAGE, AND ADDITIONAL MATERIALS AND LA 'OUT INFORMATION. 4. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING PLAN 5. ALL PLANT MATERIAL TO CONFORM TO TI E GUIDELINES ESTABLISHED BY "THE AMERICAN STANDAFD FOR NURSERY STOCK" PUBLISHED BY THE AMERICAN AS SOCIATION OF NURSERYMEN, INC. ANSI Z60.1 -LATEST DITION.

7. STAKE LOCATIONS OF PLANT MATERIAL FUR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO COMI ENCEMENT OF WORK. 8. ALL MULCH BEDS SHALL CONSIST OF A 3" LAYER SCREENED LOAM, AND A 3" LAYER SHREDDED PINE BARK MULCH.

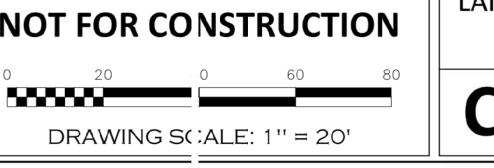
11. ALL DISTURBED AREAS NOT SHOWN AS FAVEMENT, MULCH BEDS, OR OTHER SPECIFIED MATERIAL SHALL RECEIVE A

13. CONTRACTOR SHALL REPAIR OR REPLACE ANY MATERIALS DAMAGED DURING CONSTRUCTION PRIOF TO FINAL 14. CONTRACTOR TO SUBMIT A WATERING SC IEDULE FOR THE SIXTY DAY MAINTENANCE PERIOD FOR REVIEW BY THE

16. IN THE EVENT OF A DISCREPANCY BETWIEN THE PLANT QUANTITIES SHOWN ON THE PLAN AND III THE PLANT SCHEDULE, THE QUANTITY SHOWN ON THE PLAN SHALL TAKE PRECEDENCE. CONTRACTOR TO NOTIFY LANDSCAPE



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GENERAL CONSTRUCTION NOTES

- ALL SITE PREPARATION NECESSARY TO COMPLETE THIS PROJECT ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL COORDINATE ALL NECESSARY POLICE DETAILS WITH THE LOCAL POLICE DEPARTMENT.
- ALL CONSTRUCTION AND CONTRACTOR VEHICLES ARE TO BE PARKED WITHIN THE SITE PROPERTY. PARKING OF ANY CONSTRUCTION VEHICLE OUTSIDE OF THE SITE LIMITS IS PROHIBITED.
- THE CONTRACTOR SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN ALL REQUIRED CONSTRUCTION PERMITS. ALL FEES INCLUDING POLICE DETAILS AND POSTING OF BONDS ARE TO BE PAID BY THE CONTRACTOR, AND COORDINATED WITH THE OWNER AND THE ENGINEER.
- ALL EXISTING CONDITIONS SHOWN SHALL BE CONSIDERED APPROXIMATE AND ARE BASED ON THE BEST INFORMATION AVAILABLE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED CONDITIONS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER PRIOR TO CONDUCTING ANY WORK.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AND STRUCTURES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF PREVIOUS OWNERS, VARIOUS UTILITY COMPANIES, AND WHEREVER POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT GUARANTEED AS BEING EXACT OR COMPLETE. THE LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES, ANY GOVERNING PERMITTING AUTHORITIES, AND "DIGSAFE" AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION WORK IN PREVIOUSLY UNALTERED AREAS TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RESOLVE CONFLICTS BETWEEN THE PROPOSED UTILITIES AND FIELD-LOCATED UTILITIES AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED, INCOMPLETELY OR INACCURATELY SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCURATE RECORDS OF THE LOCATION AND ELEVATION OF ALL WORK INSTALLED AND EXISTING UTILITIES FOUND DURING CONSTRUCTION FOR THE PREPARATION OF THE AS-BUILT PLAN.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL EXISTING UTILITIES IN WORKING ORDER AND FREE FROM DAMAGE DURING THE ENTIRE DURATION OF THE PROJECT. ALL COSTS RELATED TO THE REPAIR OF UTILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. EXCAVATION REQUIRED WITHIN THE PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT NO COST TO THE OWNER.
- THE CONTRACTOR SHALL UTILIZE ALL PRECAUTIONS AND MEASURES TO ENSURE THE SAFETY OF THE PUBLIC, ALL PERSONAL AND PROPERTY DURING CONSTRUCTION IN ACCORDANCE WITH OSHA STANDARDS, INCLUDING BARRICADES, SAFETY LIGHTING, CONES, POLICE DETAIL AND/OR FLAGMEN AS DETERMINED NECESSARY BY THE ENGINEER AND/OR OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF POLICE DETAIL AND FOR COORDINATING WITH THE LOCAL OR STATE POLICE DEPARTMENT FOR ALL REQUIRED POLICE DETAIL.
- ALL TRENCHING WORK WITHIN A PUBLIC OR PRIVATE ROADWAY SHALL BE COORDINATED WITH THE OWNER AND/OR PROPER LOCAL & STATE AGENCIES. TRENCH SAFETY AND RELATED PERMITS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THIS WORK MAY BE REQUIRED TO TAKE PLACE OUTSIDE OF NORMAL HOURS OF OPERATION FOR THE FACILITY.
- 10. ALL TRENCH WORK WITHIN EXISTING PAVEMENT SHALL BE NEATLY SAWCUT PER THE APPLICABLE DETAILS. TRENCH BACKFILL SHALL BE PLACED AND COMPACTED IN 8-INCH LIFTS OR AS OTHERWISE INDICATED ON PLANS. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY SETTLING DUE TO INADEQUATE COMPACTION AS DETERMINED BY THE ENGINEER WITHIN THE WARRANTY PERIOD.
- 11. THE CONTRACTOR SHALL MAKE ALL CONNECTION ARRANGEMENTS WITH UTILITY COMPANIES, AS NECESSARY INCLUDING NOTIFICATIONS TO THE CITY AND UTILITIES PRIOR TO ANY WORK.
- 12. ALL IMPORTED MATERIAL SHALL BE CLEAN AND FREE OF ANY HAZARDOUS WASTE OR OTHER CHEMICAL CONTAMINATION. NO MATERIAL WILL BE ACCEPTED FROM AN EXISTING OR FORMER 21E SITE AS DEFINED BY THE MASSACHUSETTS CONTINGENCY PLAN 310 CMR 40.0000.
- 13. SITE LAYOUT SURVEY REQUIRED FOR CONSTRUCTION WILL BE PROVIDED BY THE CONTRACTOR AND SHALL BE CONDUCTED BY A MASSACHUSETTS' REGISTERED PROFESSIONAL LAND SURVEYOR. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE SURVEYOR FOR ALL SITE SURVEY WORK. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AN AS-BUILT PLAN OF THE SITE CONDUCTED BY A REGISTERED PROFESSIONAL LAND SURVEYOR AND APPROVED BY THE ENGINEER. AS-BUILTS ARE REQUIRED TO OBTAIN MASSDEP AUTHORIZATION TO OPERATE.
- 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING ALL HORIZONTAL AND VERTICAL CONTROL POINTS DURING CONSTRUCTION INCLUDING BENCHMARK LOCATIONS AND ELEVATIONS AT CRITICAL AREAS. THE LOCATION OF ALL CONTROL POINTS AND BENCHMARKS SHALL BE COORDINATED WITH THE ENGINEER.
- 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL GRADE STAKES AND MONUMENTATION. GRADE STAKES SHALL REMAIN IN PLACE UNTIL A FINAL INSPECTION OF THE SITE HAS BEEN COMPLETED BY THE ENGINEER. ANY RE-STAKING OF PREVIOUSLY SURVEYED SITE FEATURES SHALL BE THE RESPONSIBILITY (INCLUDING COST) OF THE CONTRACTOR.
- 16. UNLESS OTHERWISE SPECIFIED ON THE PLANS AND DETAILS/SPECIFICATIONS, ALL SITE CONSTRUCTION MATERIALS AND METHODOLOGIES ARE TO CONFORM TO THE MOST RECENT VERSION OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (MASSACHUSETTS HIGHWAY DEPARTMENT) STANDARD SPECIFICATIONS (THE MASSACHUSETTS HIGHWAY DEPARTMENT 1988 STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, THE 2002 SUPPLEMENTAL SPECIFICATIONS, AND THE 2005 STANDARD SPECIAL PROVISIONS).
- 17. CONSTRUCTION AND/OR DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS REGARDING NOISE, VIBRATION, DUST, SEDIMENTATION CONTAINMENT. HAZARDOUS WASTES. AND TRENCH WORK.
- 18. SOLID WASTES AND/OR CONSTRUCTION OR DEMOLITION DEBRIS SHALL BE COLLECTED AND STORED IN A SECURED DUMPSTER. THE DUMPSTER SHALL MEET ALL LOCAL AND STATE SOLID WASTE MANAGEMENT REGULATIONS.
- 19. THE CONTRACTOR SHALL RESTORE ALL SITE SURFACES TO THEIR ORIGINAL CONDITION OR BETTER AFTER CONSTRUCTION IS COMPLETE. AREAS NOT DISTURBED BY CONSTRUCTION SHALL BE LEFT NATURAL. THE CONTRACTOR SHALL TAKE CARE TO PREVENT DAMAGE TO SHRUBS, TREES, OTHER LANDSCAPING AND/OR NATURAL FEATURES. IF THE PLANS FAIL TO IDENTIFY ALL LANDSCAPE FEATURES, EXISTING CONDITIONS MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK.
- 20. UNPAVED AREAS DISTURBED BY THE WORK SHALL HAVE A MINIMUM OF 4-INCHES OF LOAM (OR MORE AS SHOWN ON PLAN DETAILS) AND HYDROSEEDED AS SHOWN ON THE PLAN AND/OR DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING ANY LOAMED AND SEEDED AREAS UNTIL GROWTH IS ESTABLISHED AND APPROVED BY THE ENGINEER AND/OR OWNER.
- 21. ALL PROPOSED STRUCTURES AND COMPONENTS SHALL BE DESIGNED BY THEIR MANUFACTURERS TO WITHSTAND AASHTO H-20 LOADING. PRECAST CONCRETE SHALL HAVE A MINIMUM 28-DAY STRENGTH OF 4,000 PSI UNLESS OTHERWISE SPECIFIED BY THE ENGINEER.
- 22. THE CONTRACTOR SHALL PROVIDE A UNIT PRICE COST IN CUBIC YARD MEASURE FOR LEDGE AND/OR BOULDER REMOVAL. LEDGE AND/OR BOULDERS LESS THAN 1 CUBIC YARD IN SIZE BASED ON THE AVERAGE DIMENSIONS WILL NOT BE CONSIDERED PAYABLE ROCK. UNIT PRICE SHALL BE GIVEN FOR BOTH ON AND OFF SITE DISPOSAL. COST OF REPLACEMENT MATERIAL SHALL BE INCLUDED IF ADDITIONAL FILL MATERIAL IS REQUIRED.
- 23. DEVIATION OR ALTERATION OF THE PROPOSED WORK IS TO BE VERIFIED BY THE ENGINEER AND OWNER PRIOR TO CONDUCTING THE WORK.
- 24. AT THE END OF CONSTRUCTION, THE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS AND SURPLUS MATERIALS FROM THE SITE. A THOROUGH INSPECTION OF THE WORK SITE AND PERIMETER IS TO BE MADE AND ALL DISCARDED MATERIALS AND WIND BLOWN OR WATER CARRIED DEBRIS SHALL BE COLLECTED AND REMOVED FROM THE SITE.

- 3. CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS UNLESS OTHERWISE DIRECTED BY ENGINEER OR NOTED ON THE PLANS.
- 5. PARKING AREAS AND TRAVEL LANES ARE NOT TO BE PAVED UNTIL THE ENTIRE PROPOSED DRAINAGE SYSTEM HAS BEEN INSTALLED, COMPACTED PROPERLY, AND ALL PIPE CONNECTIONS COMPLETE.
- 7. BACKFILL ADJACENT TO PIPES AND STRUCTURES SHALL BE OF THE TYPE AND QUALITY CONFORMING TO THAT AS SPECIFIED. BACKFILL SHALL BE PLACED IN LIFTS NOT TO EXCEED 8 INCHES IN THICKNESS AND COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY WITH A MOISTURE CONTENT WITHIN +/- 2% OF OPTIMUM. ALL COMPACTION IS TO BE DETERMINED BY AASHTO METHOD T-99 OR ASTM D698/1557 AND ASTM D2434 FOR IN PLACE TESTING. TESTING OF BACKFILL MATERIAL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND WILL BE INSPECTED BY THE ENGINEER.
- 8. ALL DRAINAGE STRUCTURES AND PIPES MUST BE PROPERLY CONNECTED TO THE DRAINAGE SYSTEM PRIOR TO THE INSTALLATION OF ANY PAVEMENT. THIS INCLUDES THE STABILIZATION OF ALL DISTURBED AREAS CONTRIBUTING TO THE DRAINAGE SYSTEMS AND ANY STORMWATER DRAINAGE BASIN FLOORS AND SIDE SLOPES.
- 9. AT SUBSTANTIAL COMPLETION, ANY LOW LYING AREAS (NON-STORMWATER FEATURES) FOUND TO CREATE PONDING SHALL HAVE LOAM OR SURFACE TREATMENT REMOVED AND THE SUBGRADE MATERIAL SHALL BE REPAIRED AND REGRADED WITH GRANULAR NATIVE BACKFILL MATERIAL AFTER BACKFILL, LOAM SHALL BE REPLACED AND RESEEDED. NO TOP DRESSING SHALL BE ALLOWED. REGRADED AREAS SHALL BE HOSE TESTED TO ENSURE POSITIVE DRAINAGE AND THE PONDING PROBLEM TO BE ALLEVIATED.

STORMWATER FACILITY OPERATION & MAINTENANCE:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSPECTION AND MAINTENANCE OF ALL EROSION CONTROL AND STORMWATER MANAGEMENT FACILITIES UNTIL THE PROJECT IS DEEMED COMPLETE BY THE OWNER AND ENGINEER.
- 2. THE CONTRACTOR SHALL INSPECT AND CLEAR ALL INLETS, MANHOLES, DRAINAGE BASINS, AND OTHER STRUCTURES OF SEDIMENT AND DEBRIS PRIOR TO THE OWNER'S ACCEPTANCE.
- 3. THE CONTRACTOR SHALL PROPERLY DISPOSE OF ALL SEDIMENT AND DEBRIS IN A PRE-APPROVED LOCATION AND IN ACCORDANCE WITH APPLICABLE LAWS
- 4. IF REQUIRED, THE CONTRACTOR SHALL REFER TO THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR INFORMATION REGARDING STORMWATER FACILITY OPERATION AND MAINTENANCE REQUIREMENTS. THE CONTRACTOR SHALL MAINTAIN A WORKING COPY OF THE SWPPP ON SITE AT ALL TIMES.
- 5. THE CONTRACTOR SHALL INSPECT ALL STORMWATER FACILITIES AFTER EVERY MAJOR RAINFALL EVENT FOR THE ENTIRE DURATION OF THE CONSTRUCTION PROJECT AND THE FIRST 3-MONTHS AFTER COMPLETION TO MONITOR SYSTEM OPERATION.

- CONSTRUCTION PERIOD.

- THE OWNER.

GENERAL GRADING AND DRAINAGE NOTES

1. ALL CUT AND FILL SLOPES SHALL BE 3H:1V OR FLATTER UNLESS OTHERWISE NOTED ON THE PLANS.

- 2. CONTRACTOR SHALL ADJUST AND/OR NEATLY SAWCUT EXISTING PAVEMENT AS NECESSARY TO ENSURE A SMOOTH TRANSITION AND CONTINUOUS GRADE. A CONSTRUCTION PAVEMENT TRANSITION DETAIL IS PROVIDED ON THE PLAN SET.
- 4. PROPOSED ELEVATIONS ARE SHOWN TO FINISHED PAVEMENT OR GRADE UNLESS OTHERWISE SPECIFIED.
- 6. DRAINAGE PIPING SHALL BE DOUBLE WALLED CORRUGATED PLASTIC PIPE, ADS-N12 OR EQUAL UNLESS OTHERWISE NOTED ON THE PLANS.

EROSION & SEDIMENT CONTROL NOTES

1. THE SITE CONSTRUCTION FOREMAN SHALL BE RESPONSIBLE FOR THE DAILY INSPECTION AND MAINTENANCE OF ALL SEDIMENTATION AND EROSION CONTROL BARRIERS AND SHALL IMPLEMENT NECESSARY MEASURES TO CONTROL EROSION AND PREVENT SEDIMENT FROM LEAVING THE SITE.

2. THE CONTRACTOR SHALL INSTALL ALL SEDIMENTATION AND EROSION CONTROL BARRIERS AS SHOWN ON THE PLANS AND AS DETERMINED NECESSARY IN THE FIELD BY THE ENGINEER BEFORE CONSTRUCTION ACTIVITIES ARE TO BEGIN. THESE MEASURES SHALL BE INSPECTED, MAINTAINED AND REPLACED AS NECESSARY DURING THE ENTIRE CONSTRUCTION PERIOD OF THE PROJECT. PERIMETER EROSION AND SEDIMENTATION CONTROL BARRIERS SHALL REPRESENT THE LIMIT OF WORK AND ALL WORKERS SHALL BE INFORMED THAT NO CONSTRUCTION ACTIVITY IS TO OCCUP BEYOND THE LIMIT OF WORK AT ANY TIME THROUGH THE CONSTRUCTION PERIOD.

3. A MINIMUM SURPLUS OF 25-FEET OF SEDIMENTATION AND EROSION CONTROL BARRIER (SILT FENCE, STRAW BALE, &/OR SILT SOCK) SHALL BE STORED ONSITE AT ALL TIMES.

- 4. THE CONTRACTOR SHALL PREVENT ANY SEDIMENT TRANSPORT TO THE ADJACENT PROPERTIES DURING CONSTRUCTION AND UNTIL ACCEPTANCE BY THE OWNER/ENGINEER.
- 5. A CONSTRUCTION ENTRANCE SHALL BE CONSTRUCTED AS SHOWN IN THE DETAILS TO SHED DIRT FROM CONSTRUCTION VEHICLE TIRES. THE CRUSHED STONE PAD WILL BE REPLACED/CLEANED NEEDED TO MAINTAIN ITS EFFECTIVENESS AND RECONSTRUCTED AS NECESSARY DURING SEPARATE PHASES OF THE PROJECT.

6. THE LIMIT OF ALL CLEARING, GRADING AND DISTURBANCE SHALL BE KEPT TO A MINIMUM WITHIN THE PROPOSED AREA OF CONSTRUCTION. THE CONTRACTOR SHALL PHASE THE SITE WORK IN A MANNER TO MINIMIZE AREAS OF EXPOSED OR UNSTABILIZED SOIL. IF TREES ARE TO BE CUT ON THE ENTIRE SITE, ONLY THOSE AREAS WHICH ARE ACTIVELY UNDER CONSTRUCTION SHALL BE GRUBBED. THE REQUIRED SEDIMENTATION CONTROL FACILITIES MUST BE PROPERLY ESTABLISHED, CLEARLY VISIBLE AND IN OPERATION PRIOR TO INITIATING ANY LAND CLEARING ACTIVITY AND OTHER CONSTRUCTION RELATED WORK.

7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MONITOR LOCAL WEATHER REPORTS DURING CONSTRUCTION AND PRIOR TO SCHEDULING EARTHMOVING OR OTHER CONSTRUCTION ACTIVITIES W WILL LEAVE LARGE DISTURBED AREAS UNSTABILIZED. IF INCLEMENT WEATHER IS FORECAST, THE CONTRACTOR SHALL USE THEIR BEST PROFESSIONAL JUDGEMENT WHEN SCHEDULING CONSTRUCTION ACTIVITIES AND SHALL BE RESPONSIBLE FOR ENSURING THE NECESSARY SEDIMENTATION AND EROSION CONTROL BARRIERS ARE INSTALLED AND FUNCTIONING PROPERLY TO MINIMIZE EROSION FROM ANY IMPENDING WEATHER EVENTS.

8. SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON WEEKLY BASIS AND AFTER EACH RAINFALL EVENT OF 0.25 INCH OR GREATER DURING CONSTRUCTION TO ENSURE THAT THE EROSION AND SEDIMENTATION CONTROL MEASURES ARE OPERATING/FUNCTIONING PROPERLY. IDENTIFIED DEFICIENCIES SHALL BE CORRECTED IMMEDIA AND NO LATER THAN 24 HOURS AFTER IDENTIFICATION.

9. SOIL STOCKPILES LEFT OVERNIGHT SHALL BE SURROUNDED ON THEIR PERIMETERS WITH SILT SOCK, SILT FENCE, STRAW BALES, OR A COMBINATION OF SILT FENCE WITH STRAW BALES.

10. DISTURBED AREAS AND SLOPES SHALL NOT BE LEFT UNATTENDED OR EXPOSED FOR EXCESSIVE PERIODS OF TIME SUCH AS DURING THE INACTIVE WINTER SEASON. THE CONTRACTOR SHOULD PROVIDE APPROPRIATE STABILIZATION PRACTICES ON ALL DISTURBED AREAS AS SOON AS POSSIBLE BUT NOT MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT AREA HAS TEMPORARILY OR PERMANENTLY CEASED, TEMPORARY AREAS HAVING A SLOPE GREATER THAN 4H:1V SHALL BE REINFORCED WITH EROSION BLANKETS OR APPROVED EQUAL UNTIL THE SITE I PROPERLY STABILIZED. TEMPORARY SWALES MAY ALSO BE REQUIRED IF DETERMINED NECESSARY IN THE FIELD BY THE ENGINEER.

11. THE CONTRACTOR SHALL INSTALL A SILT SACK OR APPROVED EQUIVALENT IN EACH EXISTING CATCH BASIN RECEIVING RUNOFF FROM THE SITE. UPON THE INSTALLATION OF ANY NEW CATCH BASIN RECEIVING RUNOFF FROM THE SITE. THE CONTRACTOR SHALL INSTALL A SILT SACK OR APPROVED EQUIVALENT. THESE ARE TO BE INSPECTED AFTER EACH SIGNIFICANT STORM EVENT AND EMPTIED AS NEEDED DURING THE ENTIR

12. SMALL SEDIMENTATION BASINS MAY BE CONSTRUCTED ON AN AS-NEEDED BASIS DURING CONSTRUCTION TO AID IN THE CAPTURE OF SITE RUNOFF AND SEDIMENT. IT WILL BE THE RESPONSIBIL THE CONTRACTOR, IN CONSULTATION WITH THE ENGINEER, TO SIZE AND CONSTRUCT THESE BASINS IN APPROPRIATE LOCATIONS.

13. ALL EXITS FROM THE SITE SHALL BE SWEPT AS NECESSARY, INCLUDING ANY TRACKING TO ENSURE SEDIMENT IS CONTAINED ONSITE. PAVED AREAS SHALL BE SWEPT AS NEEDED TO REMOVE SEDIMENT OR POTENTIAL POLLUTANTS WHICH MAY ACCUMULATE DURING CONSTRUCTION ACTIVITIES.

14. ACCUMULATED SEDIMENT SHALL BE COLLECTED AND DISPOSED OF IN A PRE-APPROVED LOCATION BY THE CONTRACTOR AS DIRECTED BY THE ENGINEER.

15. THE CONTRACTOR SHALL PROVIDE ON SITE OR MAKE READILY AVAILABLE THE NECESSARY EQUIPMENT AND SITE PERSONNEL DURING CONSTRUCTION HOURS FOR THE DURATION OF THE PROJE ENSURE ALL EROSION AND SEDIMENTATION CONTROL DEVICES ARE PROPERLY MAINTAINED AND REPAIRED IN A TIMELY AND RESPONSIBLE MANNER. IF SITE WORK IS SUSPENDED DURING THE V MONTHS THE CONTRACTOR SHALL BE REQUIRED TO PROVIDE PERSONNEL AND EQUIPMENT EITHER ON SITE OR MAKE READILY AVAILABLE TO ENSURE ALL EROSION AND SEDIMENTATION CONTR DEVICES ARE PROPERLY MAINTAINED AND REPAIRED IN A TIMELY AND RESPONSIBLE MANNER.

16. IF DEWATERING IS NECESSARY DURING CONSTRUCTION, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO IMPLEMENT PROPER MEASURES INCLUDING DEWATERING BAGS, TEMPORARY STRAW BALES, SILT FENCES, SILT SOCKS AND/OR OTHER APPROVED DEVICES. THE DEWATERING MEASURES SHALL BE APPROVED BY THE ENGINEER. DEWATERING BASINS SHALL NOT BE CONSTRUCTED WITHIN ANY RESOURCE AREAS OR BUFFER ZONES.

17. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTROL DUST BY WATERING OR OTHER APPROVED METHODS AS NECESSARY, OR AS DIRECTED BY THE ENGINEER AT NO EXTRA COST

18. THE CONTRACTOR SHALL ROUTINELY INSPECT THE PERIMETER OF THE SITE PROPERTY TO GATHER AND REMOVE CONSTRUCTION DEBRIS BEFORE IT LEAVES THE SITE. ALL DEMOLITION DEBRIS BE PROMPTLY REMOVED FROM THE SITE AND PROPERLY DISPOSED OF. ALL TRUCKS AND CONTAINERS LEAVING THE SITE SHALL BE COVERED.

19. BURIAL OF ANY STUMPS, SOLID DEBRIS, AND/OR STONES/BOULDERS ONSITE IS PROHIBITED UNLESS OTHERWISE INDICATED BY THE ENGINEER. NO ROAD SALT, SAND, OR OTHER DE-ICING CHEMI SHALL BE USED ON THE ACCESS ROADWAYS.

20. THE CONTRACTOR IS RESPONSIBLE FOR ROUTINE INSPECTION AND MAINTENANCE DURING CONSTRUCTION OF ALL STORMWATER FACILITIES INSTALLED OR IMPACTED BY THE PROJECT. ANY SE OR DEBRIS COLLECTED WITHIN THESE FACILITIES FROM THE PROJECT WORK SHALL BE REMOVED PRIOR TO THE OWNER'S ACCEPTANCE.

21. SEDIMENTATION AND EROSION CONTROL BARRIERS AND INSPECTION REQUIREMENTS SHALL BE IN ACCORDANCE WITH ANY TOWN PERMIT CONDITIONS AND INPUES CONSTRUCTION GENERAL PE 22. SLOPES EQUAL OR GREATER THAN 2H:1V SHALL BE HYDROSEEDED THEN STABILIZED WITH EROSION CONTROL FABRIC UNLESS NOTED OTHERWISE ON THE PLANS.

BASIC CONSTRUCTION SEQUENCE

- 4. SURVEY AND STAKE OUT CLEARING LIMITS AND ACCESS DRIVEWAY

- 7. UN-STABILIZED.
- 8.
- 9
- GROWING SEASON.
- ALL PIPE CONNECTIONS ARE COMPLETE.
- 14. COMPLETE ALL REMAINING PLANTING, SEEDING, AND FENCING.
- STABILIZATION.

SURVEY AND DELINEATE THE PROPOSED LIMIT OF DISTURBANCE AND LIMIT OF PERIMETER EROSION AND SEDIMENTATION CONTROL BARRIERS.

STAKE OUT THE LOCATIONS FOR EROSION AND SEDIMENTATION CONTROL BARRIERS (STRAW BALES, SILT FENCE, ETC.) AND INSTALL ACCORDING TO THE PLANS AND ANY APPLICABLE CITY PERMITS. IN NO CASE IS THE LIMIT OF WORK TO EXTEND BEYOND THE EROSION AND SEDIMENTATION CONTROL BARRIERS WHICH REPRESENTS THE LIMIT OF DISTURBANCE AS SHOWN ON THE APPROVED PROJECT PLANS. INSTALL SILT SACS AND HAVE EROSION AND SEDIMENTATION CONTROL BARRIERS INSPECTED BY ENGINEER AND ANY TOWN DEPARTMENTS. IF NECESSARY.

GENCON

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ANNRONME

? GREEN

SEAL

reen Seal Environmental, Inc

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— SITE

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1997

INSTALL TEMPORARY CONSTRUCTION ENTRANCES ONLY IN LOCATIONS INDICATED ON PLANS. NO OTHER ENTRANCES SHALL BE USED TO GAIN ACCESS TO THE SITE BY ANY CONSTRUCTION OR DELIVERY VEHICLES.

BEGIN NECESSARY CLEARING, GRUBBING, TREE REMOVAL, AND SITE PREPARATION.

6. INSTALL TEMPORARY CONVEYANCE DEVICES (SWALES, PIPES, ETC.) AS NECESSARY TO CONVEY RUNOFF TO TREATMENT AREAS.

BEGIN ROUGH SITE GRADING AND BRING TO SUBGRADE ELEVATIONS. WORK SHALL PROGRESS DILIGENTLY TO MINIMIZE TIME SOILS ARE

BEGIN TO CONSTRUCT BUILDING, WALL, STORMWATER MANAGEMENT SYSTEM, AND UTILITIES. ANY EROSION CONTROL DEVICE DISTURBED DURING THE UNDERGROUND UTILITY CONSTRUCTION SHALL BE IMMEDIATELY REPAIRED OR REPLACED IN KIND AND STABILIZED. MODIFY TEMPORARY CONVEYANCE DEVICES AS NECESSARY TO CONVEY RUNOFF TO TREATMENT AREAS.

DO NOT OVER COMPACT SOILS IN AREAS OF PROPOSED INFILTRATION AND AVOID INFILTRATION AREAS WITH CONSTRUCTION EQUIPMENT CONTRACTOR RESPONSIBLE FOR OVER EXCAVATION OF INFILTRATION AREAS IF CONSTRUCTION TRAFFIC ROUTES OCCUR THROUGH PROPOSED INFILTRATION AREAS. PARTICULAR CARE SHALL BE TAKEN TO PROTECT THE UNDERGROUND DRAINAGE BASINS FROM SEDIMENT.

10. PERMANENTLY SEED ALL DISTURBED AREAS OUTSIDE OF THE AREA TO BE PAVED. SEEDING SHALL OCCUR WITHIN EITHER THE SPRING OR FALL

11. ONCE ALL UNDERGROUND UTILITIES HAVE BEEN CONSTRUCTED, PLACE COMPACTED GRAVEL FOUNDATION AND ROUGH GRADE THE ROADWAYS/PARKING AREAS IN ACCORDANCE WITH THE SITE PLANS AND IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL REGULATIONS.

12. BEGIN DRIVEWAY, PARKING, MILLINGS YARD CONSTRUCTION PER SITE PLANS AND IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL REGULATIONS. DRIVEWAY AND PARKING AREAS ARE NOT TO BE PAVED UNTIL THE ENTIRE PERMANENT DRAINAGE SYSTEM HAS BEEN INSTALLED AND

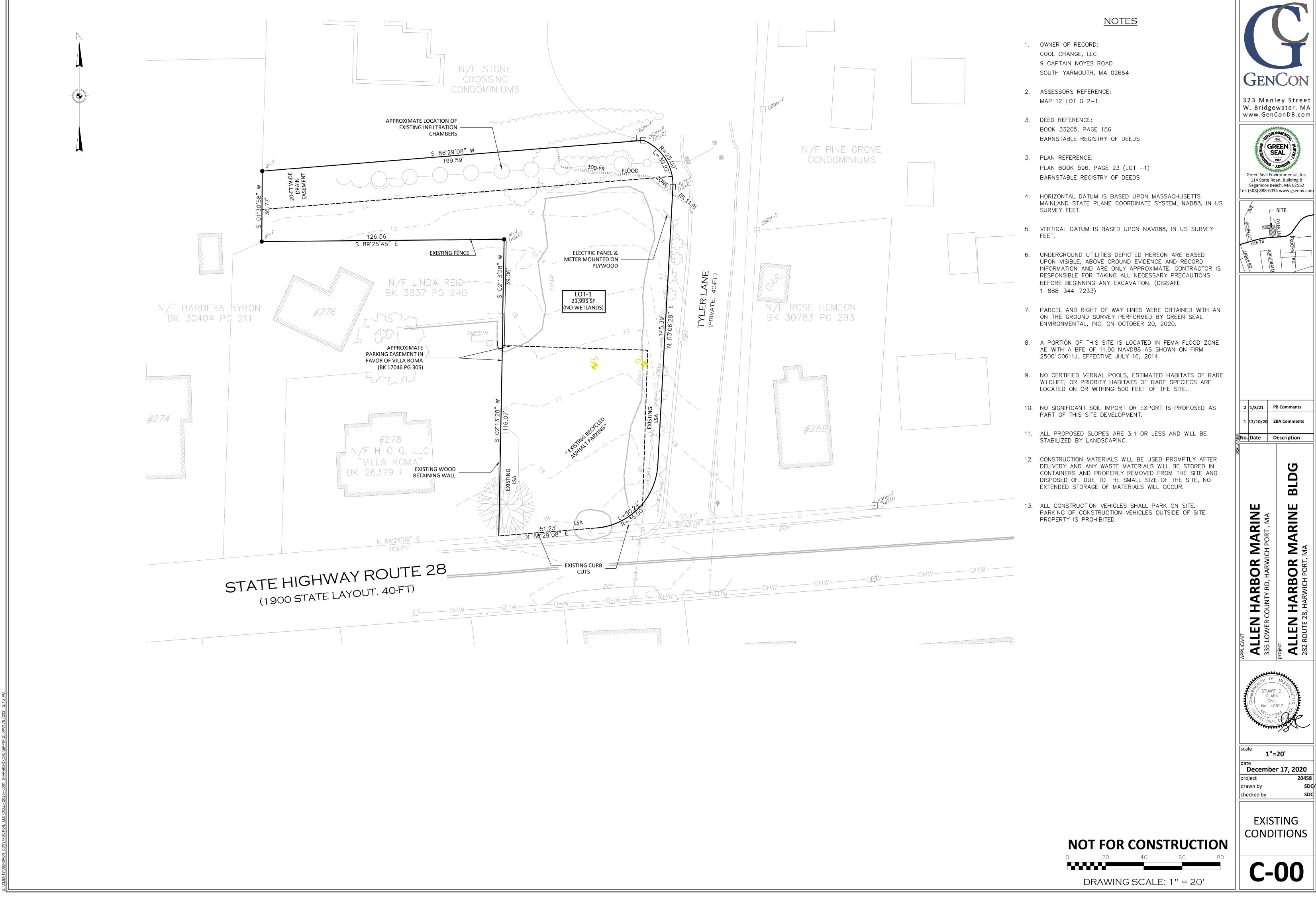
13. FINISH PERMANENT STABILIZATION; SWEEP THE DRIVEWAY TO REMOVE ALL SEDIMENTS; THE CONTRACTOR SHALL CLEAN AND FLUSH THE DRAINAGE STRUCTURES AND PIPES AT THE END OF CONSTRUCTION AND ALL ACCUMULATED SEDIMENTS IN THE DRAINAGE BASINS SHALL BE REMOVED. CONTRACTOR SHALL INSPECT THE DRAINAGE NETWORK AND REPAIR ANY DAMAGE IMMEDIATELY.

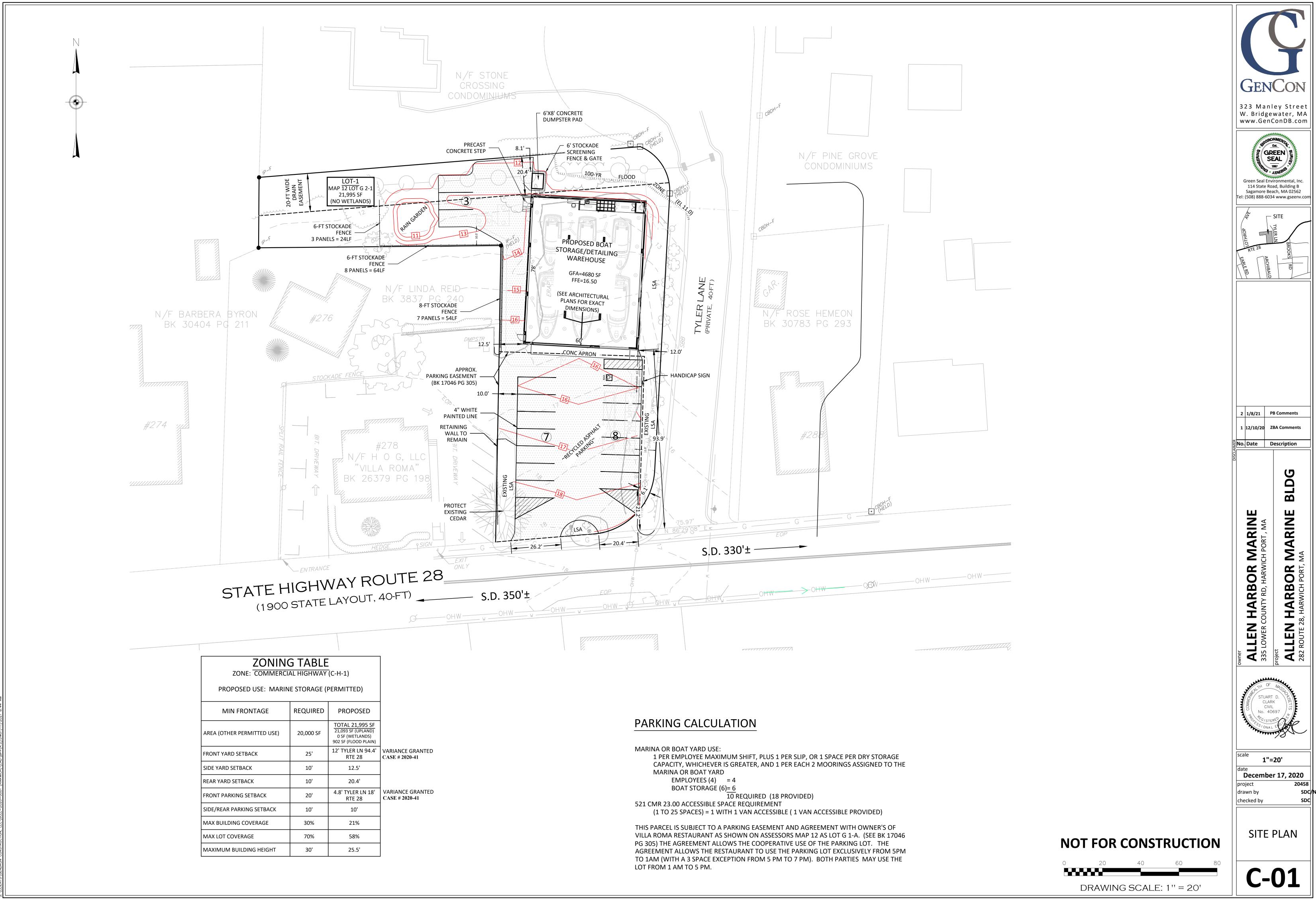
15. REMOVAL OF ALL TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES FOLLOWING VEGETATIVE ESTABLISHMENT OF ALL DISTURBED AREAS SHALL BE APPROVED BY THE ENGINEER AND THE TOWN, IF APPLICABLE AND WHEN THE CONTRIBUTING AREA HAS REACHED A MINIMUM OF 80%

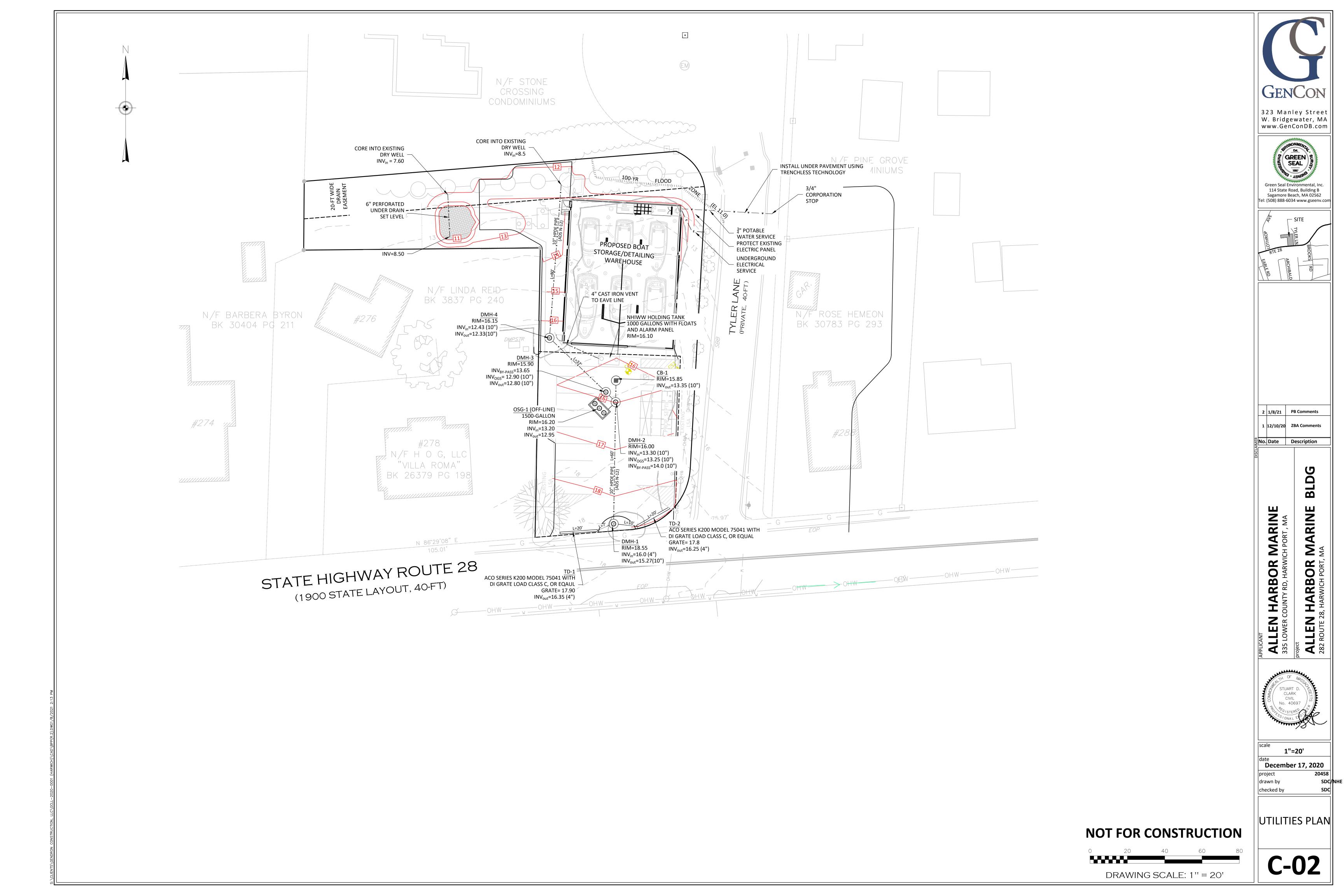
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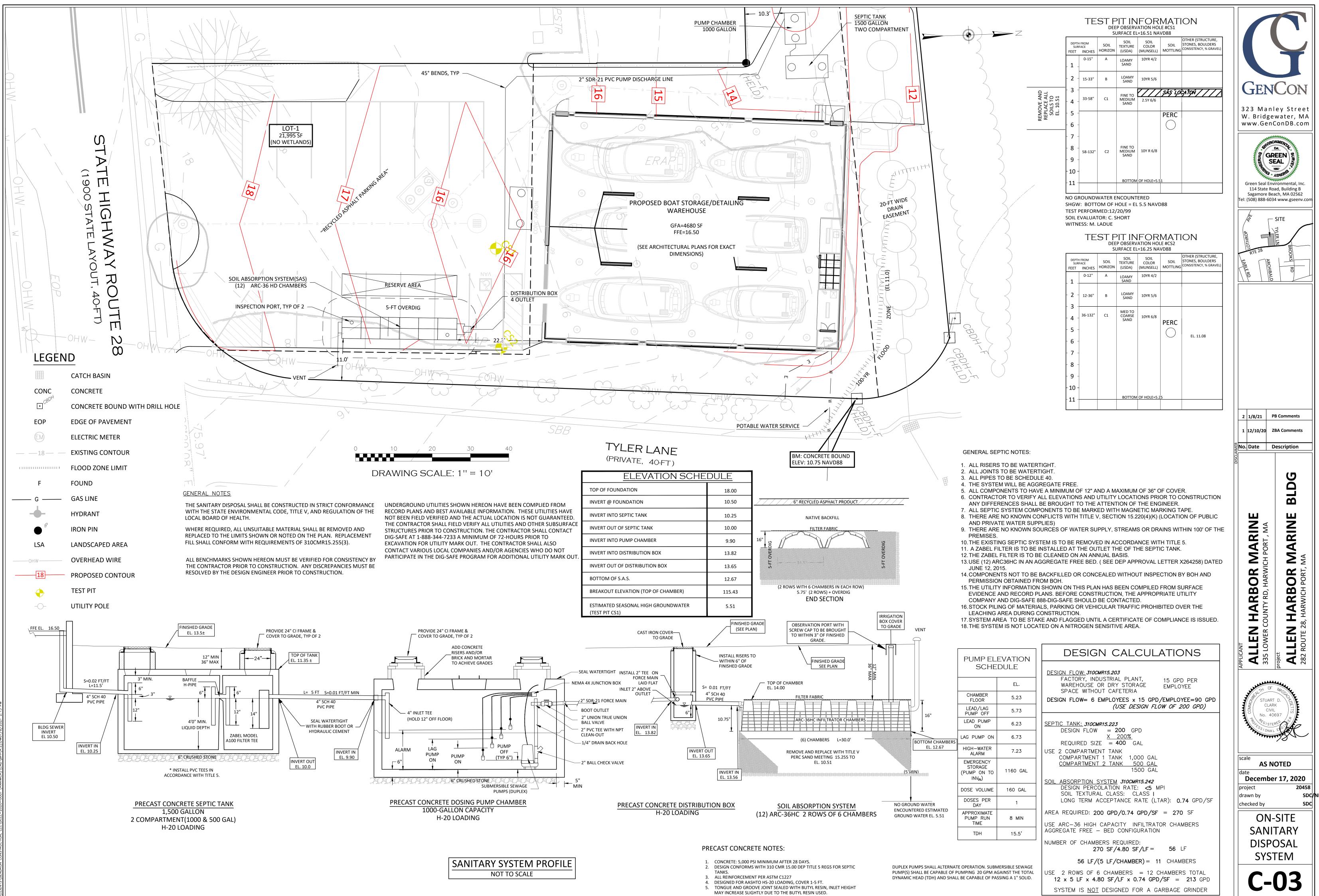
OF EXISTING UTILITY SERVICES IN THE FIELD

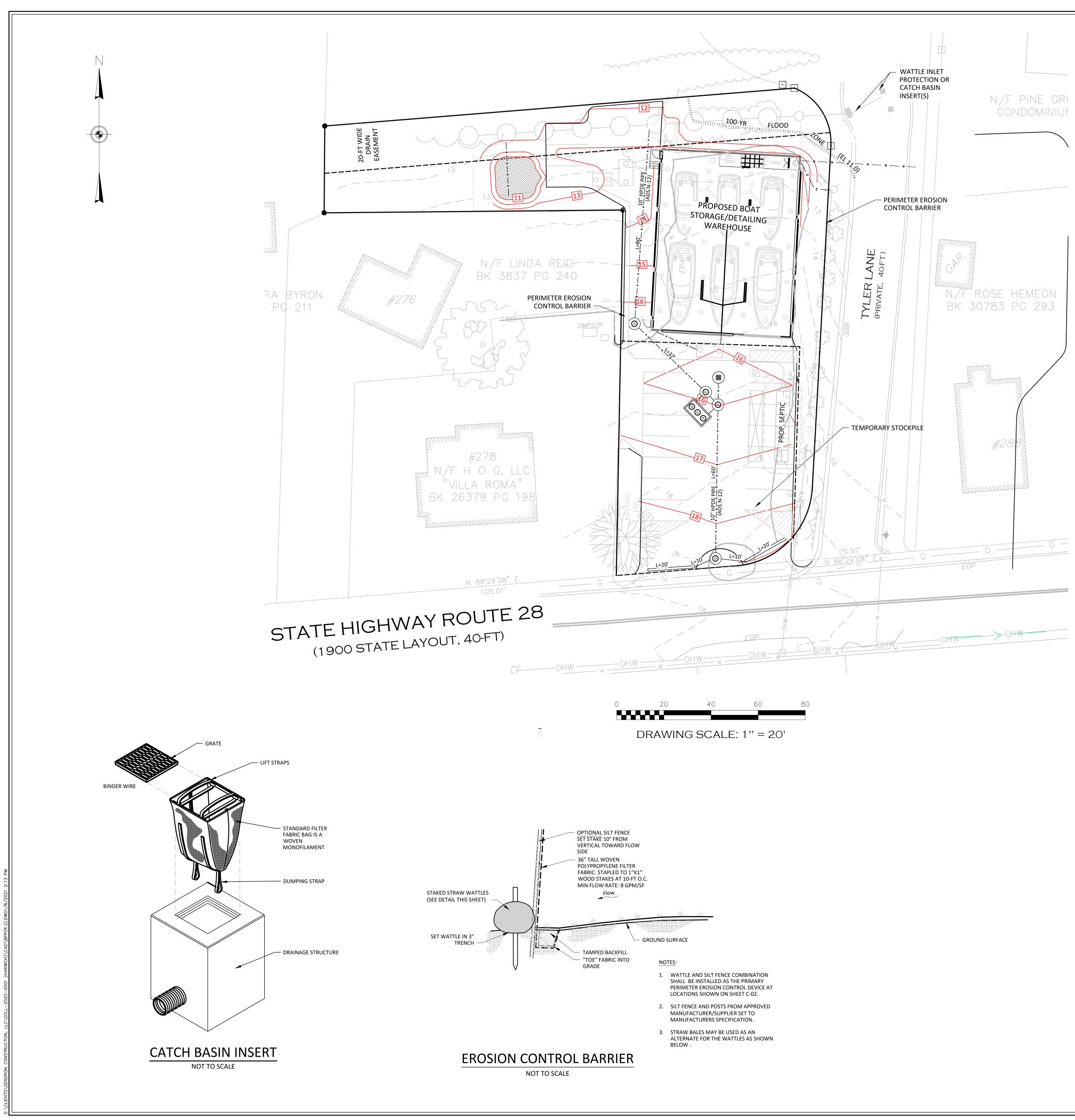
PRIOR TO CONSTRUCTION.





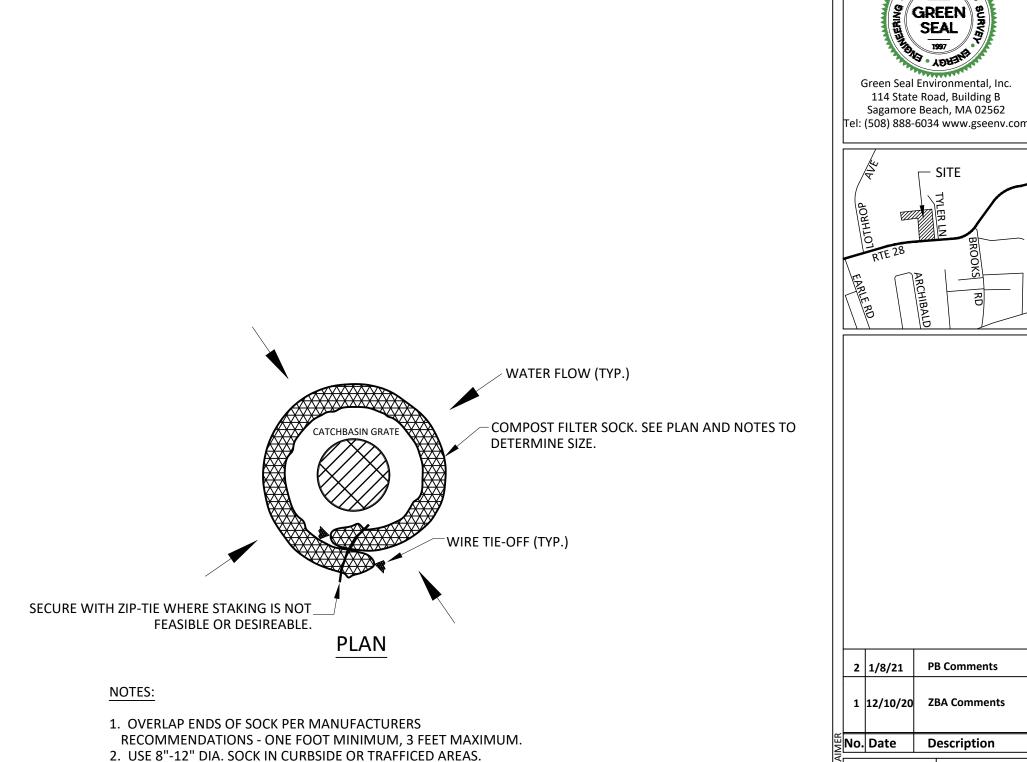






GENERAL CONSTRUCTION SEQUENCE

- INSTALL PERIMETER EROSION CONTROL MEASURES AND CATCH BASIN CONTROLS.
- INSTALL TEMPORARY CONSTRUCTION FENCE IF DESIRED. SCRAPE AND STOCKPILE EXISTING RECYCLED ASPHALT PAVEMENT. RING WITH WATTLE EROSION CONTROL. 4. EXCAVATE AND INSTALL RAIN GARDEN INCLUDING DRAIN PIPE CONNECTIONS TO EXISTING INFILTRATION.
- EXCAVATE AND INSTALL SEPTIC TANK AND PUMP CHAMBERS.
- 6. EXCAVATE AND INSTALL BUILDING FOUNDATION. CONSTRUCT BUILDING.
- 7. EXCAVATE AND INSTALL REMAINING STORMWATER PIPING AND STRUCTURES, REMAINING SEPTIC COMPONENTS, AND UTILITY CONNECTIONS.
- 8. SPREAD AND AUGMENT RECYCLED ASPHALT PAVEMENT AS NECESSARY. ROLL AND COMPACT. 9. FINAL GRADING AND LANDSCAPING.
- 10. REMOVE EROSION CONTROLS AFTER SOILS ARE STABILIZED.

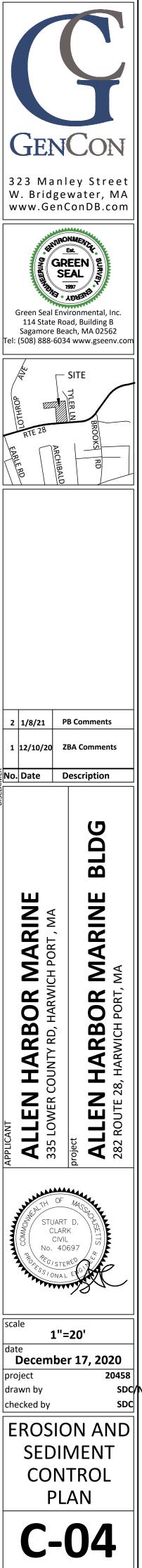


- 3. USE 12"-18" DIA. SOCK IN NON-TRAFFICED AREAS.
- 4. INSPECT AND MAINTAIN THROUGHOUT CONSTRUCTION. 5. SOCK AND COMPOST MATERIAL TO BE REMOVED FROM SITE WHEN CONSTRUCTION IS COMPLETE.

WATTLE INLET PROTECTION NOT TO SCALE



NOT FOR CONSTRUCTION

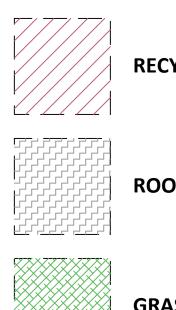




EXISTING CONDITION WATERSHED AREAS



POST DEVELOPMENT WATERSHED AREAS





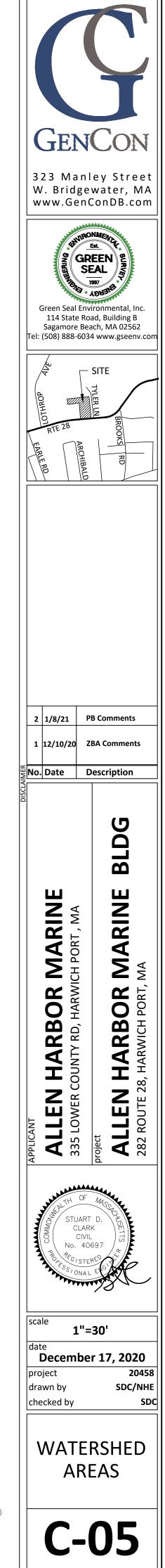


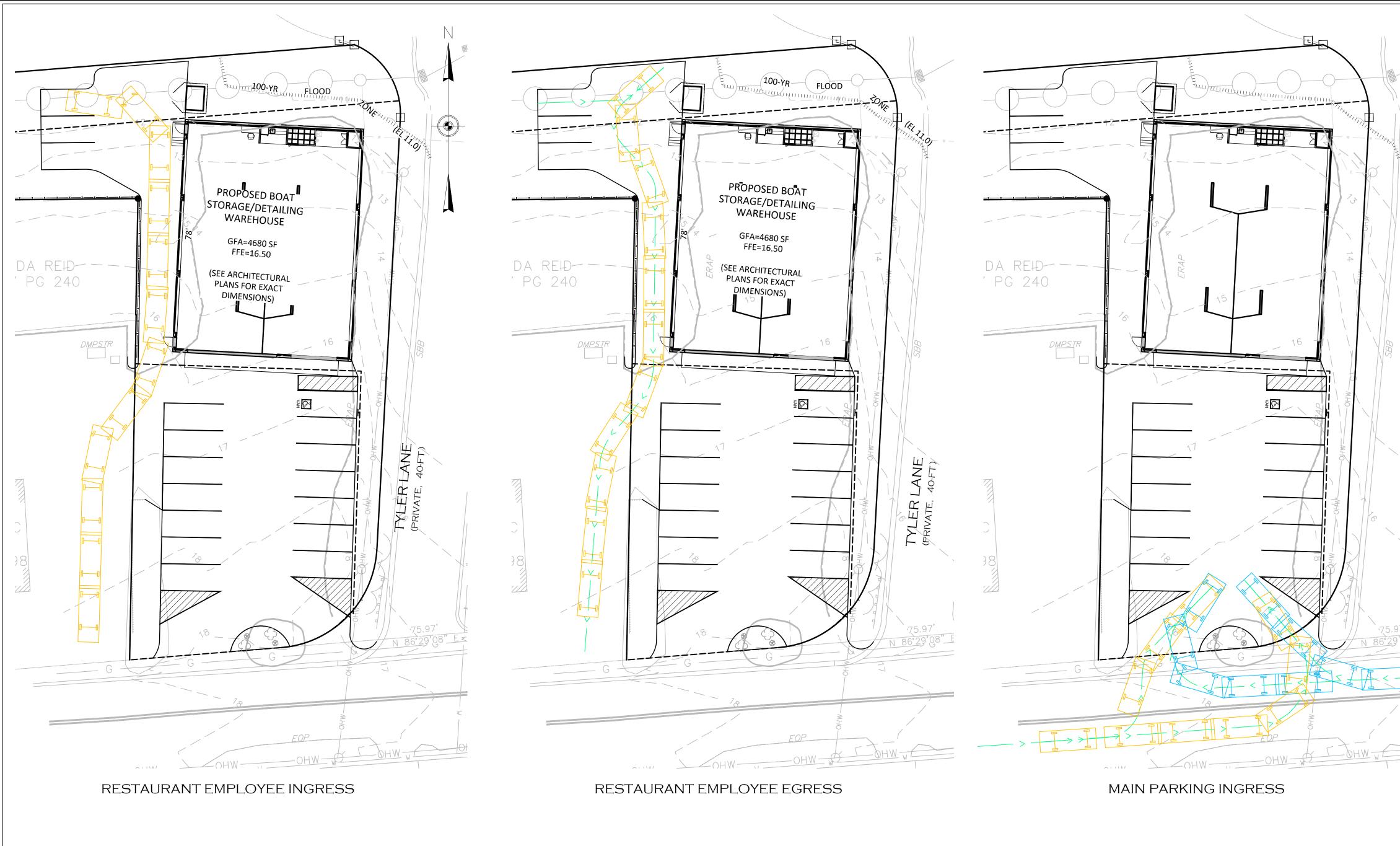
NOT FOR CONSTRUCTION 90 120 60

DRAWING SCALE: 1" = 30'

ROOF & APRON AREA (CN 98)

RECYCLED APHLALT PRODUCT (CN 96)

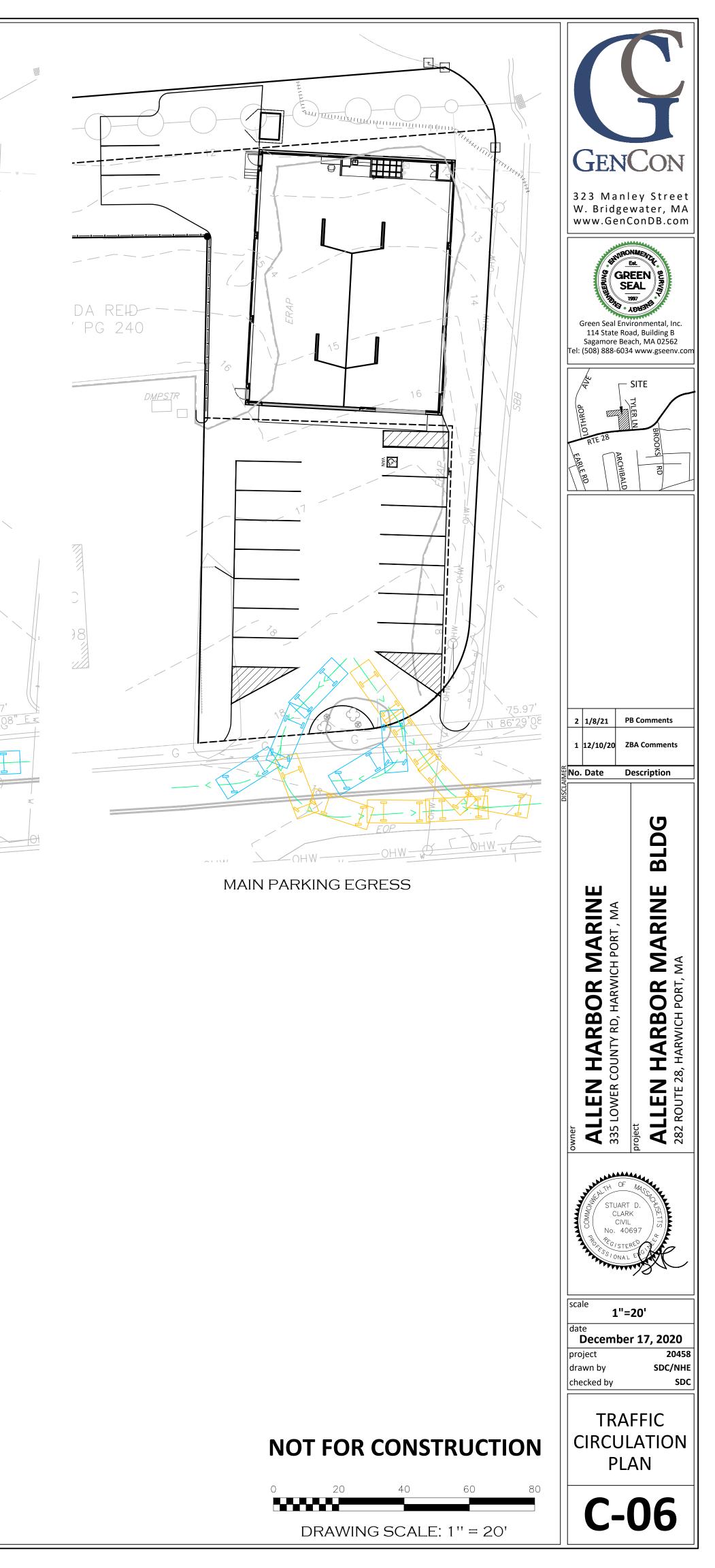


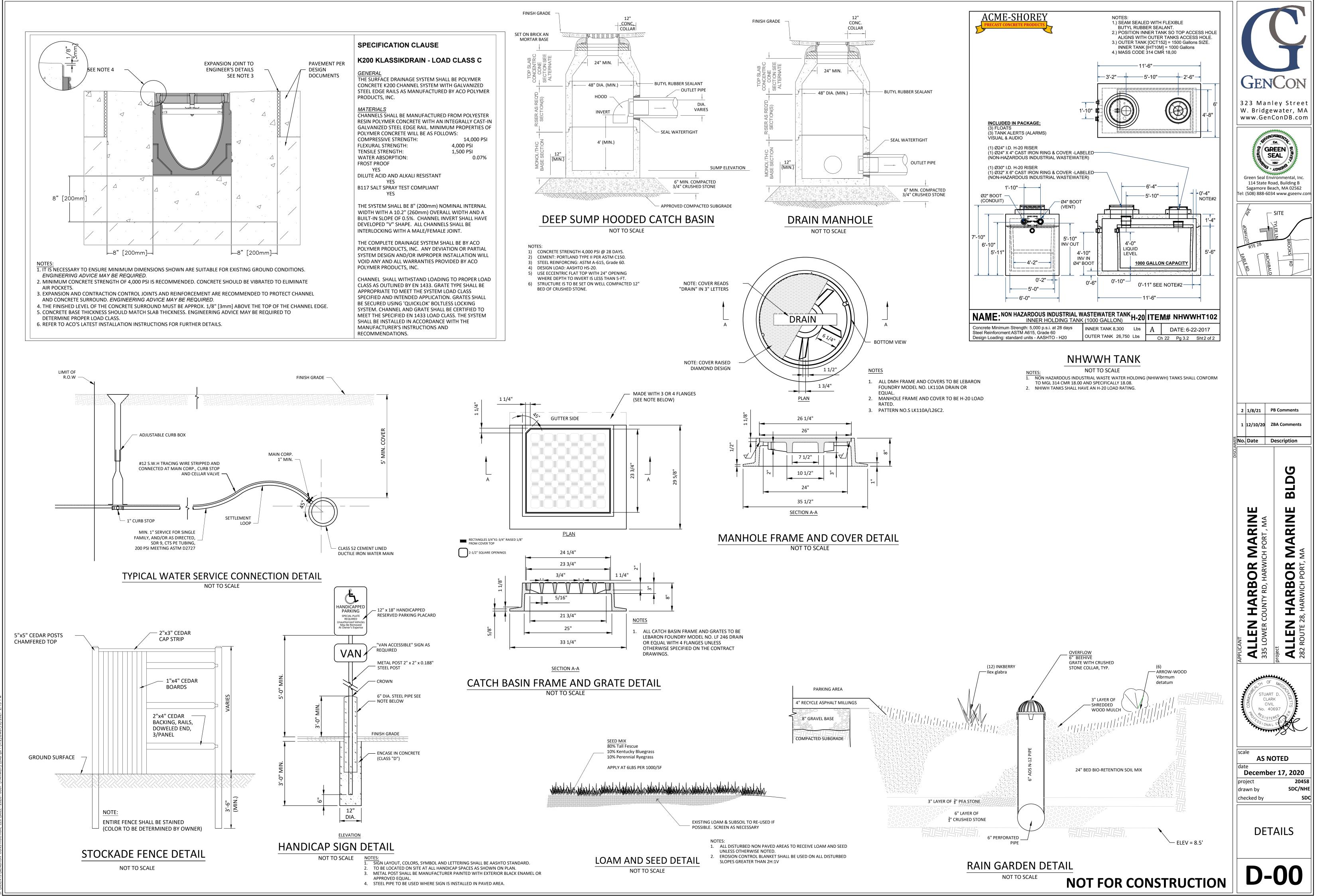


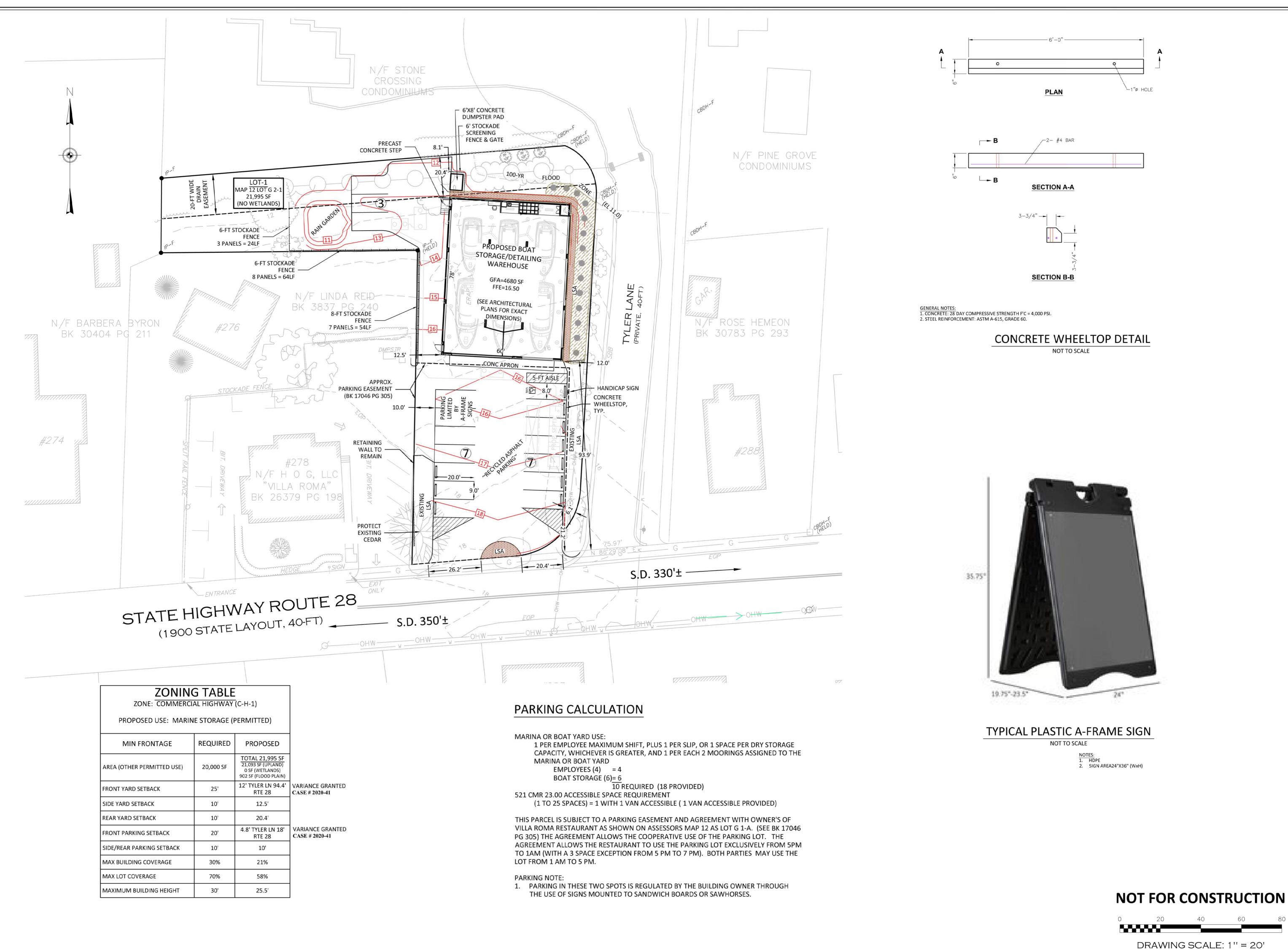


TRAFFIC/PARKING NOTES:

- 1. HISTORICALLY, THE VILLA ROMA (RESTAURANT) HAS BEEN USING THE GRAVEL AREA ON THIS PARCEL FOR NON-STRUCTURED PARKING. THE INTENT OF THIS PARKING PLAN IS TO ALLOW FOR CONTINUED/SHARED USE IN A MORE FORMALIZED SETTING.
- 2. OPERATIONALLY, THE MAIN PARKING LOT WILL BE SHARED BY THE APPLICANT AND THE RESTAURANT. THE APPLICANT WILL UTILIZE THE MAIN PARKING FROM 1AM TO 5PM. THE RESTAURANT WILL HAVE EXCLUSIVE USE OF THE MAIN PARKING LOT FROM 5PM TO 1AM.
- 3. THE THREE (3) SPOTS DESIGNATED AT THE REAR OF THE PROPERTY ARE INTENDED FOR RESTAURANT EMPLOYEE DAYTIME PARKING (1AM TO 5PM).









GENCON

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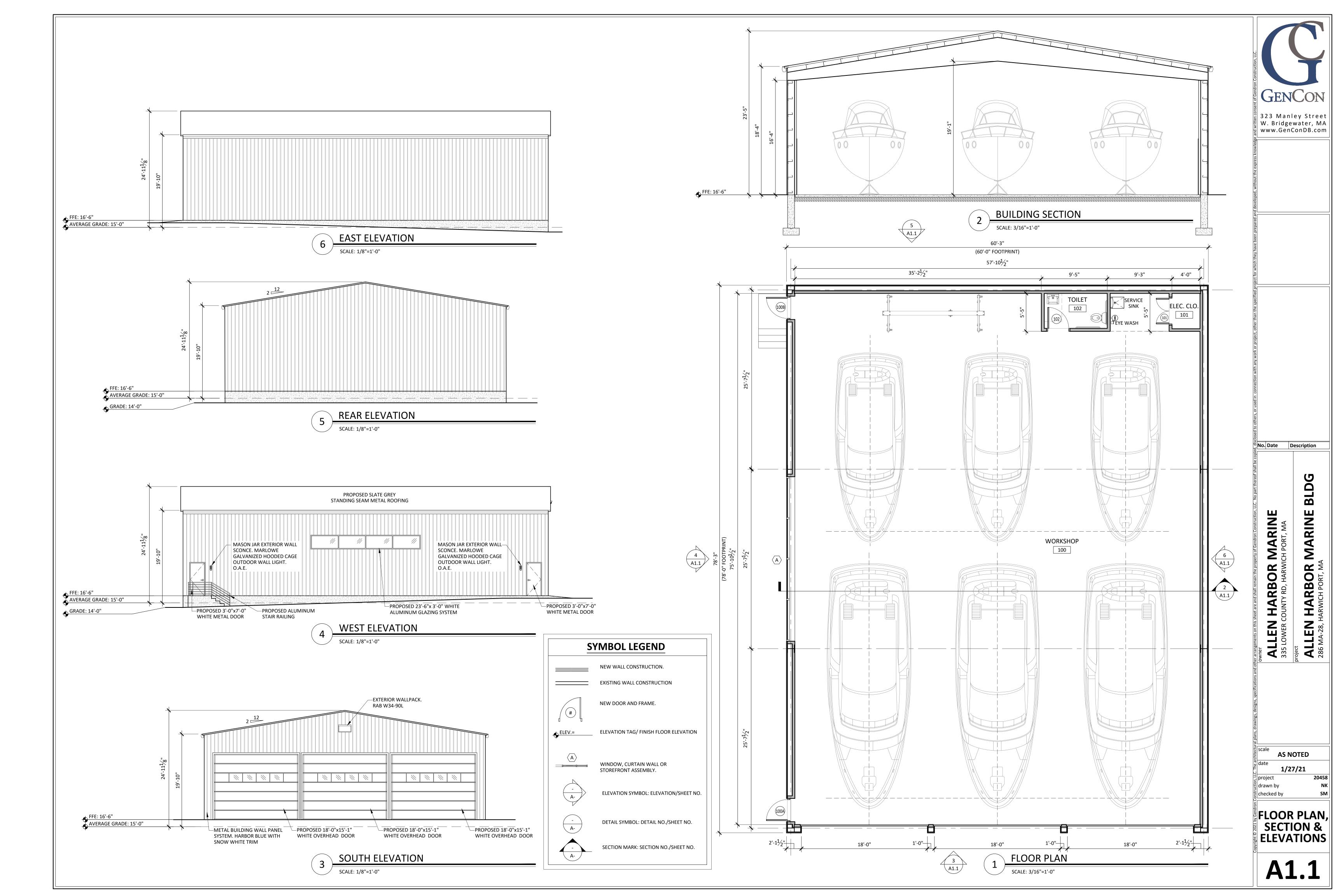
GREEN SEAL

Green Seal Environmental, Inc.

114 State Road, Building B

Sagamore Beach, MA 02562

Tel: (508) 888-6034 www.gseenv.con





Harwich Planning Department Ms. Charleen Greenlagh 732 Main Street Harwich, MA Attn: Ms. Greenlagh

RE: PB-2002-34 – Exterior Light Fixtures

Ms. Greenlagh,

The following light fixtures are being proposed for the exterior of the building.

- 1) RAB Lighting- 90L fixture is for the front peak of the building.
- 2) John Timberland /Marlowe 13 1/4"H Galvanized Hooded Cage Outdoor Wall Light- One (1) of these fixture at each egress on the West elevation.

Please contact me if you have any questions.

Thank you,

Rob O'Neill Project Manager

Ultra economy that gets the job done right.

W34[™]

At RAB, lowest price still means highest standards.

RAB[®] Outdoor

W34™

- Available in 6 lumen packages (replaces up to 400W MH; see performance on back page): Small – 3,100 lm and 3,600 lm Medium – 5,400 lm, 7,200 lm or 9,100 lm Large – 15,000 lm
- Integrated 0-10V dimming
- Available with photocell or microwave occupancy sensor
- Lightcloud[®]-enabled models offered
- 50,000-Hour LED lifespan



RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.



Save even more with utility rebates. W34 models are DLC listed.



Same look from the front, same footprint on the back, drastically reduced depth and weight.

Optimized to deliver value.

Products in the W34 family combine the open-face look of traditional wall packs with a cost-efficient design that streamlines the replacement cycle of outdated or inoperable fixtures. You get exactly what you need to get the job done right...all at a fantastic price point.



Light and motion sensing.

Button photocell and microwave occupancy sensor accessories are available as factory-installed options to provide additional energy savings by turning lights on only when you need them.



Simple, powerful lighting control.

All models are available with factory-installed Lightcloud integration, for use with our commercial, wireless lighting control system and service.

Specifications

UL Listing: Suitable for wet locations. Suitable for mounting within 4 feet of the ground

LEDs: Long-life, high-efficacy, surface-mount LEDs

Lifespan: 50,000-hour LED lifespan based on IES LM-80 and TM-21 calculations

Drivers:

(30L): Constant Current, Class 2, 120-277V, 50/60Hz, 120V: 0.24A, 208V: 0.15A, 240V: 0.13A, 277V: 0.12A Constant Current, Class 2, 480V, 50/60Hz, 480V: 0.06A

(35L): Constant Current, Class 2, 120-277V, 50/60Hz, 120V: 0.28A, 208V: 0.17A, 240V: 0.15A, 277V: 0.13A Constant Current, Class 2, 480V, 50/60Hz, 480V: 0.07A

(55L): Constant Current, Class 2, 120-277V, 50/60Hz, 120V: 0.43A, 208V: 0.26A, 240V: 0.22A, 277V: 0.19A Constant Current, Class 2, 480V, 50/60Hz, 480V: 0.07A

(70L): Constant Current, Class 2, 120-277V, 50/60Hz, 20V: 0.58A, 208V: 0.35A, 240V: 0.30A, 277V: 0.26A Constant Current, Class 2, 480V, 50/60Hz, 480V: 0.14A

(90L): Constant Current, Class 2, 120-277V, 50/60Hz, 120V: 0.73A, 208V: 0.43A, 240V: 0.38A, 277V: 0.33A Constant Current, Class 2, 480V, 50/60Hz, 480V: 0.14A

(150L): Constant Current, Class 1, 120-277V, 50/60Hz, 120V: 1.14A, 208V: 0.69A, 240V: 0.60A, 277V: 0.52A Constant Current, Class 2, 480V, 50/60Hz, 480V: 0.28A

0-10V Dimming (Standard):

Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims as low as 10%.

Color Uniformity:

RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid StateLighting (SSL) Products, ANSI C78.377-2017.

Housing:

Die-cast aluminum

Lens: Glass

Reflector: Specular aluminum

Cold Weather Starting: Minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:

Suitable for use in 40°C (104°F)

Mounting:

Die-cast backbox with four (4) conduit entry points and knockout pattern for junction box or direct wall mounting. Hinged door for easy re-assembly.

Green Technology:

Mercury and UV free. RoHS-compliant components.

Finish:

Formulated for high durability and long-lasting color

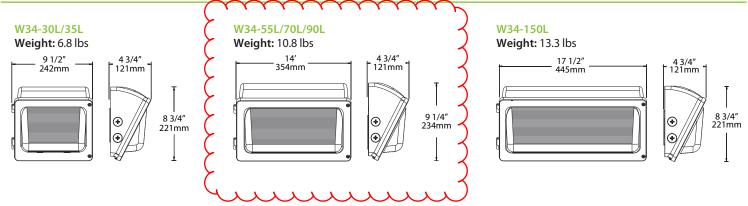
5 Yr Limited Warranty:

The RAB 5-year, limited warranty covers light output, driver performance and paint finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Dimensions & Weights



Performance

	5,10	00lm	3,600	////		
Color Temperature Input Watts Output Lumens Lumens Per Watt Color Accuracy (CRI)	5000K 29 3,105 107 83	3000K 29 3,044 105 82	5000K 33 3,601 109 83	3000K 34 3,529 105 83		
	(Replaces	70W MH)	(Replaces	100W MH)		
	5,4	00lm	7,20)0lm	9,1	00lm
Color Temperature Input Watts Output Lumens Lumens Per Watt Color Accuracy (CRI)	5000K 51 5,375 105 83	3000K 51 5,270 103 82	5000K 70 7,188 103 83	3000K 70 7,047 101 82	5000K 87 9,087 104 83	3000K 87 8,909 102 82
	(Replaces	: 1 50 W MH)	(Replaces	200W MH)	(керіасе	es 250 MH)
W34 Large						
	15,0	00lm				
Color Temperature Input Watts Output Lumens Lumens Per Watt Color Accuracy (CRI)	5000K 136 14,845 109 83 (Replace	3000K 136 14,554 107 82 s 400W MH)				

Ordering information

Family	_ ,	Lum	nen Package		C	CRI/CCT		Voltage	 Options
W34	-	90L		-					
		30L 35L 55L 70L 90L 150L	3100lm, 30W 3600lm, 33W 5400lm, 51W 7200lm, 69W 9100lm, 87W 15000lm, 136W	:	Blank 830	80 CRI, 5000K 80 CRI, 3000K	Blank /480	120-277V, 0-10V Dimming 480V, 0-10V Dimming	No Option 120-277V Button Photocell 120-277V Microwave Sensor 120-277V Lightcloud® Control



Need premium wall packs? For twice the lifespan, more variety and a no-compromise warranty, check out our WP1/WP2/WP3 series of traditional, glass-front LED wall packs.

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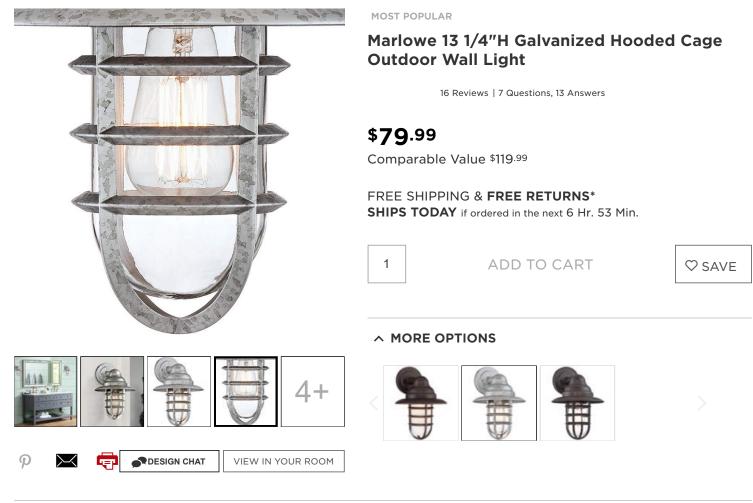


FREE SHIPPING on Most Orders*

SHTING RETAILER

🏠 / Outdoor Lighting / Contemporary / John Timberland / Marlowe 13 1/4"H Galvanized Hooded Cage Outdoor Wall Light - Style # 8F956

LP LUXURY LIGHTING



PRODUCT DETAILS

A stylish galvanized metal finish graces the metal cage frame of this nautical-style outdoor wall light.

Additional Info:

The Marlowe collection of outdoor lighting offers a creative combination of nautical style and industrial design. This metal outdoor wall light features a stylish cage design with a hood on top and a narrow clear glass shade inside. A galvanized metal finish completes the hardy rustic look. Perfect for lighting up a patio area or garage space.

JOHN TIMBERLAND

Shop all John Timberland

- 13 1/4" high x 9 1/2" wide. Extends 10" from the wall. Round backplate is 5 1/4" wide. Weighs 3.08 lbs.
- Uses one maximum 60 watt standardmedium base tube bulb (not included). Shown with an Edison filament bulb.
- Outdoor wall light for porches and patios. From the Marlowe collection by John Timberland. Based on industrial barn lights and coastal designs.
- Galvanized metal finish cage frame with hood. Clear glass shade inside.
- Wet location outdoor rated. Can also be used indoors.

RECOMMENDED BULBS



60W Equivalent Clear 8.5W LED Dimmable JA8 Standard Bulb Style # 80M08

\$9.99 ea.

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Marlowe 10 3/4" High Galvanized Cage Outdoor Ceiling...

\$**69.**99



Urban Barn 10 1/4"W Galvanized Steel Outdoor Ceiling...

\$**49.**95



High Galvanized

\$**99.**99



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ASK A QUESTION:

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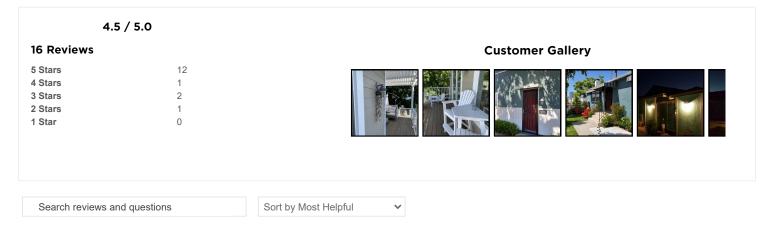
Start typing your question and we'll check if it was already asked and answered. Learn More

QUESTION:	Is it dusk to dawn? If not can it be made dusk to dawn somehow? Mary M on May 4, 2020
ANSWER:	The light is not dusk to dawn. You could try using a Dusk to Dawn Sensor Light Bulb. <u>Reply</u> · <u>Inaccurate</u> · <u>Justin Z</u> Staff on May 4, 2020
	Add Answer · I Have This Question Too (0)
QUESTION:	Is there a protective coating that can be applied for coastal area, i.e. car wax or another alternative application? Theresa C on Mar 2, 2020
ANSWER:	We would recommend finding an outdoor wall light that is marine grade.
	Reply · Inaccurate · Dan T Staff on Mar 2, 2020 <u>Add Answer</u> · I Have This Question Too (0)
QUESTION:	Is there a spec sheet for Marlowe 13 1/4"? BETSY D on Feb 17, 2020
ANSWER:	The specs listed for this wall light are noted on our website. If more information is needed then what is stated, please contact one of our Lighting and Home Décor Specialist for further assistance. They can be reached by phone, email, or chat: <u>https://www.lampsplus.com/contact-us/</u> <u>Reply</u> · <u>Inaccurate</u> · <u>Dan T</u> Staff on Feb 17, 2020
	Add Answer • I Have This Question Too (0)
QUESTION:	How does this attach to an electrical box? Can I use an octagonal metal box? Does the box need to be oriented in any particular way? The boxes that I have use screws on the diagonal. Does this fixture come with an adapter to attach to this type of box? A shopper on Jun 17, 2019
ANSWER:	The mounting bracket for these is VERY versatile. The only issue I have had is if the junction box is mounted to that the screws for the bracket are exactly horizontalany other angle will workand in the case mentioned, I removed the screws holding the junction box to the wall, rotated it and put the screws back in.
	Read All 2 Answers · Add Answer · I Have This Question Too (0)
QUESTION:	We are located near the ocean, will this rust? Johanna F on May 6, 2019
ANSWER:	Hi - this outdoor wall light is wet location rated and very durable for outside usage, but the finish is not meant for coastal areas. For resistance to salt-air in coastal environments, you should select a fixture with a "Marine Grade" finish. We have an array of great choices including Vivex, Coastal Armor and more. I have added a helpful link below for some great options which are currently offered. <u>https://www.lampsplus.com/products/outdoor-lighting/usage_wall-light/s_marine-grade/</u> <u>Reply(1)</u> · <u>Inaccurate</u> · <u>Dan T</u> Staff on May 7, 2019
	<u>Read All 3 Answers</u> <u>Add Answer</u> I Have This Question Too (0)

CUSTOMER REVIEWS

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Good quality "Galvanized look" not actually galvanized fixture

I was taken aback at first when I realized that the finish was not really galvanized (zinc plating, neither electroplated or hot-dipped) but the quality of the galvanized-look paint finish was so good, that I was not worried. I was installing five of these and only two would be directly exposed to rain and they were not going to be getting a lot of direct sun. The other three would be under eaves. My only other complaint is the massive amount of blocks of molded EPS (commonly called styrofoam) that I ended up. This should not go into landfills and almost no recycling programs Read More



Was this review helpful? (4) <u>(0)</u> Flag as Inappropriate

These are NOT galvanized

September 7, 2018 Michael T

Purchased over 2 years ago

November	27,	201	7
	je	nny	I

While they are described as galvanized, arrived and found they look more like silver camo painted, don't even look like galvanized color. Not what I expected. Otherwise well made.

Was this review helpful?	(2)	(0)	•	<u>Flag as Inappropriate</u>	
Awesome! I would definite	ly recor	nmenc	l oi	dering from lamps plus!	May 14, 2018
	•				Lori T
Was this review helpful?	(1)	(0)		Flag as Inappropriate	Purchased
	777	<u></u> /			over 2 years ago

Make Home a Bright Spot – Exclusive Designs

Very easy website, got confirmation email Product came quickly December 7, 2017 Sue M Purchased over 3 years ago

Was this review helpful? (1) (0) · Flag as Inappropriate

Great Farmhouse Style

Love this light. It was recently featured in Country Living magazine as porch lighting g for a "relaxed" look. It's made very well as it has a glass dome that encases the light and the metal cover fits over the glass. Gives good light coverage for safety.

Was this review helpful? (1) (0) · Flag as Inappropriate

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October 11, 2018 Dorothy O *Purchased* over 2 years ago







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AGENDA ITEM # III.C

To: Planning Board

From: Charleen Greenhalgh, Town Planner

Date: February 16, 2021

Re: Staff Report #5 – Site Plan Review Special Permit & Use Special Permit

PB2020-26 The Royal Apartments LLC, as owner, Benjamin E. Zehnder, Esq, Representative, seeks approval of Special Permits for Multifamily Use, Site Plan Review and Harwich Center Overlay District for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting), §325-55 and §325.51.O (Harwich Center Overlay District), respectively. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district.

A public hearing on this matter was originally opened on Thursday, November 19, 2020. The Board voted to continue the hearing and to allow for an amendment to the application to include a Harwich Center Overlay District Special Permit, thus necessitating a new legal notice and renotification of the abutters. A new public hearing was scheduled for Thursday, December 17, 2020 not earlier than 6:30pm. Abutters were originally notified via certified mail on October 30, 2020; however the renotification did not happen until December 10, 2020, thus requiring a further continuance to January 12, 2021. Testimony was taken at the January 12, 2021 meeting and the hearing was further continued to February 9, 2021, in part to request an opinion from Town Counsel. February 9, 2021 could not move forward due to a typo in the agenda, the hearing was continued to February 23, 2021.

Description

The applicant seeks approval for a Site Plan Review Special Permit, a Use Special Permit for Multifamily and a Historic Center Overlay Special Permit for the two existing buildings on the site. The property had previously be used as an Assisted Living Facility and the new owner seeks approval for 26 apartments. Additional parking and an accessible front entrance will be added. The application was filed with the Town Clerk on October 13, 2020, and revised plans submitted on October 22 and 28, 2020 and November 5, 2020, and an amended application submitted November 18, 2020, subsequent information submitted on November 25, 2020, and a further letter from Attorney Zehnder on January 28, 2021; including the following:

- 1. Form A Special Permits & Site Plan Review
- Form A Amended Special Permits & Site Plan Review, received November 18, 2020
- 3. Amended List of Waivers dated November 24, 2020
- 4. Filing fee of \$525 to cover the amended Special Permit request
- 5. Municipal Lien Certificate
- 6. AMENDED project narrative dated October 22, 2020 by Benjamin E. Zehnder
- 7. Packet of previous Board of Appeals decision and other correspondence

- 8. Set of plans for Royal Apartments, LLC., prepared by Coastal Engineering Co.:
 - a. Plan Showing Existing Site Conditions, dated 10-13-19, revised 1-6-2020 and 10-9-2020, scale 1" = 20', Sheet C1.1.1.
 - b. Plan Showing Proposed Site Layout and Materials, dated 12-5-2019, revised 1-6-2020, 10-9-2020 and 10-21-2020, scale 1" = 20', Sheet C2.1.1.
 - c. Plan Showing Proposed Grading and Drainage, dated 12-5-19, revised 1-6-2020 and 10-9-2020, scale 1" = 20', Sheet C2.2.1.
 - d. Site Details, dated 12-5-19, revised 1-6-2020 and 10-9-2020, scale as noted, Sheet C2.4.1.
 - e. Utility Details, dated 12-5-19, revised 1-6-2020 and 10-9-2020, scale as noted, Sheet C2.4.2.
- 9. Set of plans for Royal Apartments, prepared by David H. Dunlap Associates, Inc.:
 - a. Landscape and Site Electrical Plan, dated 10/13/20, scale 1" = 20', Sheet SP-1.
 - b. Parking Lot Lighting and Photometric Plan, dated 10/13/20, scale 1" = 20', Sheet SP-2.
 - c. Ground Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-1.
 - d. First Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-2.
 - e. Second Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-3.
 - f. Third Floor Plan, dated 10/19/20, scale 1/8" = 1'-0", Sheet A-4.
 - g. Accessory Building Floor Plan, dated 10/19/20, scale 1/8'' = 1'-0'', Sheet A-5.
 - h. Exterior Elevations, dated 10/13/20, scale 1/8" = 1'-0", Sheet A-6.
- Stormwater Management Report for 328 Bank Street, Harwich, MA dated December 6, 2019, Revised: October 8, 2020, prepared for Royal Apartments LLC, Prepared by Coastal Engineering Co., Inc.
- 11. Letter from Attorney Benjamin Zehnder, dated January 28, 2021.

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 pursuant to **§325-55 for Site Plan Review Special Permit**. 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.

For the Use Special Permit, the Multifamily Bylaw Zoning Amendment was approved at the September 26, 2020 Annual Town Meeting and approved by the Massachusetts Attorney General on January 12, 2021.

The new §325-51.Q provides the following:

§325-51.Q Multifamily Special Permit

- 1. The Planning Board shall serve as the special permit granting authority for multifamily developments, including conversion of existing structures/uses to multifamily and/or new construction.
- 2. A Site Plan Review special permit pursuant to §325-55 is also required.
- 3. All multifamily dwellings must be connected to a municipal water system.
- 4. A habitable room in a multifamily dwelling unit shall have a minimum floor area of not 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.
- 5. The number of multifamily dwelling units shall be determined by the ability to place an adequately size septic system for the number of bedrooms; and required parking per number of units and landscaping on the site pursuant to Article IX Off-Street Parking and Loading Requirements.
- 6. All outside entrances to multifamily dwellings shall provide protection to the immediate area in front of said entrance from the weather.
- 7. Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible use of the area outside the Drinking Water Resource Protection District will be made for the disposal of stormwater runoff and sewage.
- 8. Recreation areas. Where appropriate to the topography and natural features of the site, the Planning Board may require that at least 10% of the open space or two acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the multifamily development.

§325.51.0 - Harwich Center Overlay District, provides the following:

- 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 Bank Street (25); 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, 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 underlying 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.

<u>Waivers</u>

The following waivers have been requested. The explanation from Attorney Zehnder is shown in *italics*.

- 1. Filing Fee *Waiver was approved by the Planning Board at its May 12, 2020 meeting.* Please note however that due to the amended request, an additional \$525 fee was submitted.
- 2. Variance Notations on Plan *Copies of variances and special permits provided in application packet.*
- 3. Existing Driveways within 100 feet of site The site plan shows existing driveways across Parallel and Bank Streets from locus. Showing driveways within 100 feet would require significant increase in the scale of the plan and there is no proposed increase in traffic.
- 4. Lighting The applicant requests a waiver of the requirement to show lighting on the existing building as there are no changes proposed.
- 5. Freestanding Signs *The applicant has not determined the location of signage and will conform all signage to the sign bylaw.*
- 6. Parking Area Setback Requirements *The applicant requests that the Planning Board waive parking area setback requirements set forth in Bylaw § 325-42L pursuant to the Boards right to waive such setbacks as set forth in Bylaw § 325-51.O(5)(F).*

Comments from other Boards, Departments, Committees

- **Health:** The Senior Health Agent reviewed the application for approval of a multi-family use special permits in the Harwich center overlay district and a site plan review special permit at 328 Bank Street. The septic system was originally designed for 31 assisted living rooms, plus additional office space, for a total flow of 4773 gallons per day. The proposed floor plans show that 33 bedrooms are proposed, with a total flow of 3630. As the plan is proposed, the Health Department has no concerns, however; we do require that a passing Title 5 inspection be submitted prior to any building permit approval.
- Fire Chief: No issues for the Planning Board from Fire for this project.
- **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. So long as no new activity is happening in the 100' wetland buffer, conservation has no jurisdiction.

- **Police:** The Deputy Chief had the traffic officer look at the plans. Here are Officer Holmes Comments, after meeting with Carla Burke, via email December 22, 2020: "I had a nice conversation with Carla and explained where our input comes from as far as looking at past crashes and traffic complaints. She was happy I listened to her voice and concerns. After talking with her I did recognize one problem. The height and/or location of the current fence along Bank St limits the sightline looking south. Could we have planning recommend the fence be removed and/or reduced in height to meet the provisions of the Bulk Height By-Law? No other concerns from me."
- **DPW/Highway:** See Planning Staff Comment below regarding a sidewalk. Previously, there were no concerns.
- **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. At the January 12, 2021 public hearing, the Board voted to request an opinion from Town Counsel on whether the application as presented is lawfully before the Planning Board and whether the Planning Board can act on the requests before it. A copy of Town Counsel's opinion is attached for the Board's review; however, a copy is not included in the electronic packet as this is privileged correspondence. I can publicly report that it is Town Counsel's opinion that the Planning Board can act on the requests that are before the Board.
- On Tuesday, January 19, 2021 an on-site with Attorney Zehnder, two principals from The Royal Apartments, LLC, DPW Director Lincoln Hooper, DPW Road Manager Chris Nickerson and Interim Town Planner Charleen Greenhalgh was held to discuss a sidewalk along Parallel Street. Based on that on-site, Mr. Hooper provided the following additional comments via email:

As discussed in the field today, the Town of Harwich has no plans to install a sidewalk on Parallel Street. That said, we did try to include a sidewalk on this section of Parallel Street in the Safe Routes to School Grant that the Town was awarded, which was pulled from consideration over project costs. Although Chris Nickerson, Road Manager, and I are ambivalent as to whether the Planning Board requires a sidewalk as part of their conditions for this private development, we would not be opposed to a short one being constructed to connect this project to the existing sidewalk on Bank Street. Given the lack of pedestrian connectivity on Parallel Street and the lack of any plans to construct one, we certainly understand if the Planning Board wants the applicant to make a payment to the Town's sidewalk fund in lieu of having them construct a sidewalk to nowhere.

The applicant has requested that an "in lieu of" contribution of \$10,000 be made to the Sidewalk Fund. If the Board is agreeable to this, I would recommend that the contribution be made prior to the issuance of a building permit, rather than the issuance of the occupancy permit as proposed by Attorney Zehnder.

- 3. All items of concern raised by the Town Engineer and Town Planner have been met.
- 4. The requested waivers are reasonable.
- 5. At this time, the plans and requirements of the zoning bylaws appear to have been met.
- 6. As of January 5, 2021, 16 letters/emails were received from abutters and a legal representative of abutters. These are not included again as the Board members have these from the previous packet and they are also available on the January 12, 2021 online agenda packet.

- 7. As of February 16, 2021, twelve (12) additional letters have been received. Copies of these letters are attached.
- 8. Generally I do not comment beyond the requirements for site plan review and special permits; however, I do want to point out that the various town departments, the Town's professional staff (Health, Conservation, Police, Fire, DPW, Engineering, and Planning) has reviewed and commented on this application.
- 9. Additionally, the application before the Planning Board is not for "Capital A" affordable housing, which would be a Comprehensive Permit (aka 40B) before the Zoning Board of Appeals. The application before the Board is for multifamily housing. The applicant has agreed to restrict in perpetuity two (2) studio units.
- 10. Reasonable conditions are recommended including:
 - a. Erosion control shall be install and maintain during construction on the 100' conservation buffer line to ensure work stays out of conservation jurisdiction. Permits from Conservation shall be required if work enters conservation jurisdiction.
 - b. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval.
 - c. The existing fence on Bank Street shall be removed and/or reduced in height to meet the provisions of the Bulk Height By-Law.
 - d. As agreed to by the applicant, two (2) studio units shall be held in perpetuity for rental exclusively to person meeting the guidelines for low and moderate-income families as determined by the United State Department of Housing and Urban Development ("HUD") Published Income Guidelines and as may from time to time be amended.
 - e. In lieu of constructing a sidewalk along Parallel Street the applicant shall submit \$10,000 to the Town of Harwich, through the Planning Office, for the Sidewalk Fund, prior to the issuance of a building permit.
 - f. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements.
 - g. All lighting shall comply with the Lighting Code and Historic District & Historical Commission Requirements.
 - h. Appropriate approvals from the Historic District & Historical Commission shall be required.
 - i. Any changes to the approved site may require additional review and approvals from the Planning Board and the Historic District & Historical Commission.
 - j. This decision shall be recorded at the Barnstable County Registry of Deeds.
 - k. 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.

VOTES

Continuance

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

Move to continue the hearing for **PB2020-26 Royal Apartments LLC**, to no earlier than 6:30 pm on _____ (Next Meeting Dates: *Jan. 26, Feb. 9, Feb. 23*) for the following reason(s): *Need to provide reasons for the continuance...additional information...taking it under consideration...*

IF THE PLANNING BOARD IS READY TO CLOSE THE PUBLIC HEARING:

I. <u>Vote to Close the Public Hearing</u>

II. Vote on Waivers:

To approve the following waivers and accept the reasons for each waiver as provided by the applicant:

- 1. Filing Fee.
- 2. Variance Notations on Plan.
- 3. Existing Driveways within 100 feet of site.
- 4. Lighting.
- 5. Freestanding Sign.
- 6. Parking Area Setback Requirements.

III. Vote to Adopt Proposed Findings:

To adopt the following findings of fact (*the Board may wish to add or change findings*):

- 1. The property is located within the M-R-L zoning district and the Harwich Center Overlay district.
- 2. The existing structure has been used as an assisted living facility containing 31units.
- 3. 26 apartment units are proposed all of which meet the minimum floor area requirements.
- 4. Appropriate and adequate parking shall be provided on the subject site.
- 5. Multifamily Use is allowable within the MR-L zoning district with a Special Permit.
- 6. The Harwich Center Overlay District allows for waivers from dimensional provisions.
- 7. Two of the units will be held in perpetuity for low and moderate income families consistent with HUD Guidelines.
- 8. The use as developed will not adversely affect the neighborhood.
- 9. The specific site is an appropriate location for such a use.
- 10. The design is appropriate and consistent patterns of village development.
- 11. There will be no nuisance or serious hazard to vehicles or pedestrians.
- 12. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including appropriate sewage treatment.

IV. <u>Vote on Multifamily Use special Permit</u> (*Please Note*: An affirmative vote by at least five Planning Board members is required.)

- A. To approve with conditions case PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, 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. The following condition is imposed: (Note need to determine and outline the conditions.)
 - 1. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval.
 - 2. Two (2) studio units shall be held in perpetuity for rental exclusively to person meeting the guidelines for low and moderate-income families as determined by the United State Department of Housing and Urban Development ("HUD") Published Income Guidelines and as may from time to time be amended.

- 3. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements.
- 4. This decision shall be recorded at the Barnstable County Registry of Deeds.
- B. To **deny** case number case number PB2020-26 The Royal Apartments LLC, for a Use Special Permit for Multifamily Use pursuant to the Code of the Town of Harwich §325-51.Q (approved at the 9-26-2020 Town Meeting) for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, 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...(*Note: need to list the specific requirements that have not been satisfied.*)
- V. <u>Vote on Harwich Center Overlay District Special Permit</u> (*Please Note*: An affirmative vote by at least five Planning Board members is required.)
 - A. To **approve** case number PB2020-26 The Royal Apartments LLC, for a Special Permit pursuant to the provision of §325-51.O Harwich Center Overlay District of the Code of the Town of Harwich for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, 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.
 - B. To **deny** case number PB2020-26 The Royal Apartments LLC, for a Special Permit pursuant to the provision of §325-51.O Harwich Center Overlay District of the Code of the Town of Harwich for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, 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...(*Note: need to list the specific requirements that have not been satisfied.*)
- VI. <u>Vote on Site Plan Review Special Permit:</u> (*Please Note*: An affirmative vote by at least five Planning Board members is required.)
 - A. To approve with *conditions* case number **PB2020-26** The Royal Apartments LLC, for a Site Plan Review for the proposed use, Multifamily, and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-55 for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and the fact that the Multifamily Use is permitted by Special Permit in the zoning district. The following conditions are imposed:
 - 1. Erosion control shall be install and maintain during construction on the 100' conservation buffer line to ensure work stays out of conservation jurisdiction. Permits from Conservation shall be required if work will enter conservation jurisdiction.

- 2. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval.
- 3. The existing fence on Bank Street shall be removed and/or reduced in height to meet the provisions of the Bulk Height By-Law.
- 4. Prior to the issuance of a building permit and in lieu of constructing a sidewalk along Parallel Street the applicant shall submit \$10,000 to the Town of Harwich, through the Planning Office, for the Sidewalk Fund.
- 5. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements.
- 6. All lighting shall comply with the Lighting Code and Historic District & Historical Commission Requirements.
- 7. Appropriate approvals from the Historic District & Historical Commission shall be obtained as required.
- 8. Any changes to the approved site may require additional review and approvals from the Planning Board and the Historic District & Historical Commission.
- 9. This decision shall be recorded at the Barnstable County Registry of Deeds.
- 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.
- B. To *deny* the Site Plan Review Special Permit for case number PB2020-26 The Royal Apartments LLC, for the proposed use, Multifamily, and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §325-55 for property located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district, based on the fact that the Use Special Permit was denied and therefore the Site Plan Review Special Permit cannot be granted.



8 Cardinal Lane Orleans 14 Center Street, Suite 4 Provincetown 3010 Main Street, Suite 2E Barnstable

Benjamin E. Zehnder Direct Tel: 508.255.2133 ext. 128 bzehnder@latanzi.com

January 28, 2021

Duncan Berry, Chair Harwich Planning Board 732 Main Street Harwich, MA 02645

Via email only to ebanta@town.harwich.ma.us

Re: PB 2019-45 Royal Apartments LLC

Dear Mr. Berry and Board Members:

At your meeting of January 12, 2021, you requested that the applicant submit for review by the Board a proposal for addressing pedestrian access along Parallel Street. We have met at the site with Lincoln Hooper, Director of Highways and Maintenance, Chris Nickerson, Road Manager and Interim Town Planner Charleen Greenhalgh. Based upon this meeting, it is our belief that we can install a sidewalk within the town layout of Parallel Street from the eastern sideline of the third existing (westernmost) entry onto the property to Bank Street.

We do not believe that this is advisable since such a sidewalk will not connect at its westerly end with any other sidewalk, and since there are no present plans by the Town to construct any sidewalk along Parallel Street. In lieu of such construction the applicant is prepared to offer a one-time contribution to the Sidewalk Fund in the amount of \$10,000.00, which is the estimated cost of construction of the sidewalk per the attached estimate. This payment would be made upon the issuance of a certificate of occupancy for the project.

Secondly, the Board requested that we submit a written description of a proposed affordable restriction for the project. We submit the following proposed restriction:

The applicant will set aside two studio units in perpetuity for rental exclusively to persons meeting the guidelines for a low or moderate-income family. Low income families shall have an income less than eighty (80) percent of the Town of Harwich median family income, and moderate income families shall have an income between eighty (80) and one

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hundred twenty (120) percent of the Town of Harwich median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended. This condition could be contained in the Planning Board's decision which is required to be recorded with the Barnstable County Registry of Deeds prior to obtaining a building permit.

Thank you for your attention.

Very truly yours,

Benjamin E. Zehnder

BEZ/ cc via email only: client Charleen Greenhalgh, Interim Town Planner

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ESTIMATE



Royal Apartements LLC.

% Alex Bardin 328 Bank St. Harwich MA (617) 593-4896

Dimitri's Painting & Masonry

5 Greenlodge Street Dedham, Massachusetts 02026

Estimate # 000937 Date 01/25/2021

Phone: (646) 856-6816 Email: dimitripainting@gmail.com

Description Total

- Remove and dispose of all existing "curbing" and sidewalk materials from the corner of Bank St. to the near edge of the new driveway location (approximately 200 feet down Parallel St)
- Install 5 inch granite curbing approximately 160 linear feet in accordance with all government regulations.
- Install Driveway aprons for the emergency vehicle access and drive and the main entrance on Parallel street in accordance with all government regulations.
- Install new asphalt sidewalk approximately 160 ft by 5 ft in accordance with all government regulations.

This proposal does not include the cost of any required permits and police details.

Work to be performed in spring of 2021

Signed and Accepted

Subtotal \$9,725.00

Total \$9,725.00



8 Cardinal Lane Orleans 14 Center Street, Suite 4 Provincetown 3010 Main Street, Suite 2E Barnstable

Benjamin E. Zehnder Direct Tel: 508.255.2133 ext. 128 bzehnder@latanzi.com

November 18, 2020

Anita N. Doucette, Town Clerk Harwich Town Hall 732 Main Street Harwich, MA 02645 Via hand delivery

Re: Planning Board Application PB2020-06 328 Bank Street, Harwich / Map 41, Parcel N4

Dear Ms. Doucette:

Please find enclosed for filing with the above matter the following submittals to the Harwich Planning Board:

- 1. Amended Application 2 copies;
- 2. Amended Narrative 2 copies;
- 3. Filing Fee in the amount of \$525.00

This correspondence constitutes a request to the Planning Board that matter no. PB2020-06 be permitted to be amended as set forth herein to add a request for a so-called Harwich Center Overlay District special permit pursuant to Harwich Zoning Bylaw Section 325.51.0.

Thank you for your attention.

ery

Benjamin E. Zehnder

BEZ/ cc via email only: Charleen Greenhalgh, Town Planner David Michniewicz, Client, Matt Nelson, David Reid, Esq.

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AMENDED

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TOWN OF HARWICH PLANNING DEPARTMENT

SPECIAL PERMITS & SITE PLAN REVIEW

TO THE TOWN CLERK, HARWICH, MA

DATE October 13, 2020

FORM A

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	The Royal Apartments LLC 8 Alton Place, Brookline, MA 02446
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Benjamin E. Zehnder La Tanzi, Spaulding & Landreth
Mailing address	P.O. Box 2300
Town, ST, Zip	Orleans, MA 02653
Phone	(508) 255-2133 ext. 128
Fax	(508) 255-3786
E-mail	bzehnder@latanzi.com

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

☑ Owner □ Prospective Buyer* ☑ Representative for Owner/Tenant/Buyer*

□ Tenant* □ Other*

*Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

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 Bylaws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

	the second s	-
App	licant	

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

al use only:	TOWAL OL EDV
PLANNING DEPARTMENT	TOWN CLERK

Legal Street Address 328 Bank Street Village/Zip Code 02645 Title Book/Page or L.C.C. # B.C.R.D. Book 32263, Page 179 / Plan Book 389, Page 98 Map(s) / Parcel(s) Harwich Assessor's Map 41 Parcel N4 Zoning & Overlay Districts MRL; Harwich Center Overlay | *Historic? Harwich Center Historic Dist. Frontage (linear feet) 42,403 Total land area (s.f.) 82,443 Upland (s.f.) 10.999 71,444 Wetlands (s.f.)

PART B - PROJECT LOCATION

PART C - PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross:		Net:
Proposed Floor Area in Sq. Ft	Gross:		Net:
Change in Sq. Ft + / -	Gross:	0	Net: o
Existing # of parking spaces	Proposed # of parking spaces: 43		
Existing Use(s)	forme	er nursing home	assisted living & senior day care
Proposed Use(s) Attach a separate narrative if necessary.		family use conta	

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: (check all that apply)

Site Plan Review § 325-55:

□ Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window

Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.

Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.

Establishment of any new retail use(s) in the Industrial (IL) Zone.

Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

Paragraph____, sub-paragraph #____ Paragraph____, sub-paragraph #_

, supplemental regulation #____§ 325-14 Paragraph____, sub-paragraph #

Article X, Special Permits:

□ Structures w/ gross floor area of 7,500+ s.f. § 325-51

□ Structures requiring 20 or more new parking spaces § 325-51

□ Accessory Apt./Shared Elderly Housing § 325-51.H □ Mixed Use § 325-51.M □ Drinking Water Resource Protection § 325-51.C □ Two Family § 325-51.N

UVIIIage Commercial, Harwich Port § 325-51.L X *Harwich Center Overlay § 325-51.O

Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

Other Special Permits:

Six Ponds Special District - Article XVI

□ Large Scale Wind Generation – Article XIX □ Wind Energy Systems - Article XVIII

X Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B) Multifamily Dwelling s. 325-51(Q)

Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan

submitted to the Planning Board on _____Year/Case # ____

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 and Historical Commission. Please inquire for forms and instructions.

September 2011

SECOND AMENDED Project Narrative

328 Bank Street Assessor's Parcel ID 41-N4 The Royal Apartments LLC Application for Planning Board Site Plan Approval and Special Permit

November 18, 2020

Prepared by Benjamin E. Zehnder / La Tanzi, Spaulding & Landreth

Applicant The 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 MRL (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. Locus has most recently been used for nursing home / assisted living facility and a senior day care facility uses.

The applicant intends to refit the existing two structures for 26 apartment units, which will constitute a a Multifamily use allowable in the MRL district by grant of a Planning Board special permit under the Table of Use Regulations. 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] and (C)(3) [Establishment of any new multifamily facility,] and has applied for an Harwich Center Overlay District Special Permit pursuant to Bylaw § 325-51.O.

The applicant requests that the Planning Board waive parking area setback requirements set forth in Bylaw § 325-42L pursuant to the Boards right to waive such setbacks as set forth in Bylaw § 325-51.O(5)(F).

Locus is dimensionally conforming for the proposed multifamily use, having more than the required minimum 150' of continuous lot frontage and 25' side and rear setback distances to the existing structures under the §325-16 (Table 2) Area Regulations. (Because the property is a lawfully pre-existing structure proposed for conversion to multifamily use, the 82,443 sq. ft. lot size is allowable under §325-16). In addition, the property has a proposed site coverage percentage of 48.0%, well less that the maximum site coverage percentage requirement of 80% in the Harwich Center Overlay District under §325-51(O)(5)(c).

The applicant proposes minimal reconfiguration of the existing structure. It will renovate and update the buildings' interiors and perform exterior maintenance and painting. It will also reconfiguring the parking areas to create 43 parking spaces to accommodate the proposed 26 new apartments. In connection with this work the applicant will remove one curb cut from Parallel Street and install new retaining walls adjacent to the new parking areas.

The proposed apartments will be a mix of studio, 1- and 2-bedroom apartments in the two existing buildings (14 studios, 8 one-bedroom and 4 two-bedroom units). This proposal will benefit the community by increasing the stock of year-round, lower cost apartment housing in Harwich and by contributing to a livable, pedestrian friendly town center.

1. Harwich Zoning Bylaw §325-51(A)(1) Special Permit Responses:

Residential multifamily dwelling use is allowable in the MRL district by special permit. The applicant responds to the special permit granting criteria set forth at Bylaws 325-51(A)(1) as follows:

(a) The use as developed will not adversely affect the neighborhood:

The property has been used as the location of a lodging house or inn going back to the 19th century, and has been used as a nursing home / assisted living facility since the mid 1980s. This area of Harwich has developed over time in conjunction with a relatively intensive residential use of locus, and the use of the property to house unrelated individuals or households is not new.

The Harwich Center area will benefit from having a greater residential base within walking distance, which will make the area more pedestrian-oriented and increase the number of people visiting local businesses and benefiting the sense of community.

The neighborhood and Harwich Center will not be adversely affected by utilizing a presently unoccupied building for the multifamily apartment use, which is closely related to the former assisted living facility in terms of how the site will be accessed, traversed, and used, and the manner in which it relates to the surrounding area.

(b) The specific site is an appropriate location for such a use, structure or condition:

Locus is an appropriate location for multifamily use. The two buildings have already been divided into separate living areas and hallways, with plumbing and utilities serving all living areas, making it less costly and difficult to convert the buildings to multifamily use than it would be to convert to a retail or industrial building. In addition, the parking and walkways have all been designed to support the same type and approximate number of visitors multifamily use generates.

Furthermore, the property has historically been used as accommodations, including the most recent use as an assisted living facility. As such, there will be significantly less impact on the surrounding neighborhood than would result from the installation of a different use or the conversion of the buildings to support a different type of use. The property neighbors will not have to adapt to new traffic patterns, deliveries, or structures, and will not be negatively impacted.

Together, these factors make the property an appropriate site for the proposed multifamily use.

(c) There will be no nuisance or serious hazard to vehicles or pedestrians:

The property has been used for residential accommodations since the 19th century, and has been used recently as an assisted living facility since the mid 1980s. The uses have not presented a nuisance or serious hazard to vehicles or pedestrians, and the similar multifamily use will not materially change the manner in which the property is accessed or used, or its relationship to the neighborhood.

Furthermore, the applicant has proposed eliminating one of the three curb cuts on Parallel Street, converting a second driveway to emergency vehicle use only, slightly widening the one remaining curb cut, and rebuilding the parking and pedestrian access within the site. The applicant does not expect a risk of nuisance or serious hazard to vehicles or pedestrians from its proposal, and expects that the proposed configuration will improve traffic safety relative to the current layout

(d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayments:

The site has adequate and appropriate facilities for the proper operation of the proposed residential use. The property is served by existing utility services sufficient for the proposed 26 apartment units, including town water. The applicant proposes two new stormwater drainage systems designed to infiltrate the runoff from a 100 year storm, and the existing sewage disposal system has a permitted design flow of 4,773 g.p.d., which is in excess of the 3,300 g.p.d required for the 30 bedrooms proposed.

The applicant does not propose any new use or intensification of existing uses which would impact any water supply well, pond, or saltwater embayment, and does not propose any use within the 100' wetland buffer zone.

2. Harwich Zoning Bylaw §325-51(Q) Multifamily Special Permit Responses:

The applicant responds to the additional criteria for granting a Planning Board multifamily special permit set forth at Bylaws §325-51(Q) as follows:

(1) The Planning Board shall serve as the special permit granting authority for multifamily developments, including conversion of existing structures/uses to multifamily and/or new construction: The applicant has submitted its within application for conversion of the existing structures to multifamily dwellings.

(2) A Site Plan Review special permit pursuant to §325-55 is also required:

The applicant has simultaneously filed for Site Plan Review.

(3) All multifamily dwellings must be connected to a municipal water system:

The property is connected to the Harwich water system.

(4) A habitable room in a multifamily dwelling unit shall have a minimum floor area of not 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:

No proposed habitable room has a minimum floor area of less than 120 sq. ft. or a major width or length dimension of less than 10 feet.

(5) The number of multifamily dwelling units shall be determined by the ability to place an adequately sized septic system for the number of bedrooms; and required parking per number of units and landscaping on the site pursuant to Article IX Off-Street Parking and Loading Requirements:

The existing sewage disposal system has a permitted design flow of 4,773 GPD. The applicant proposes 26 dwelling units containing a total of 30 bedrooms, which equals a daily flow of 3,300 gallons at 110 gallons per bedroom, in compliance with this requirement.

Per the parking and loading requirements, multifamily use requires 1.5 parking space per studio or one bedroom unit, and 2 spaces per two bedroom unit. The proposed 26 dwelling units (14 studios, 8 one-bedroom and 4 two-bedroom units) therefore require a total of 41 spaces. The applicant will provide 43 parking spaces, including two handicapped accessible spaces, and will provide in its leases and regulations that no unregistered vehicles, boats or trailers be parked on the property.

(6) All outside entrances to multifamily dwellings shall provide protection to the immediate area in front of said entrance from the weather:

The applicant does not propose any exterior alterations to the buildings other than installation of an awning over the Parallel Street entrance. The applicant believes that the structures comply with the intent of the bylaw requirement. (7) Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible use of the area outside the Drinking Water Resource Protection District will be made for the disposal of stormwater runoff and sewage:

Locus is not located within a Drinking Water Resource Protection District and the applicant is not proposing erecting any new buildings.

(8) Recreation areas. Where appropriate to the topography and natural features of the site, the Planning Board may require that at least 10% of the open space or two acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the multifamily development:

The existing site has areas of lawn and patio along the Parallel Street side of the property and behind and in front of the main building. The applicant proposes these areas for use by the residents as recreation areas.

3. Harwich Zoning Bylaw §325-55 Site Plan Review Responses:

Pursuant to 325-55(C)(2), Site Plan Approval by the Planning Board is required for any expansion or reconfiguration of an existing parking lot and/or driveway in connection with multifamily use, and pursuant to 325-55(E)(1) approval may be reasonably conditioned to ensure certain minimum standards are met. The applicant responds to the site plan review criteria as follows:

(a) Reasonable measures are implemented to provide for screening of parking areas or other parts of the premises, for adjoining premises or from the street, by walls, fences, plantings or other devices:

Locus is screened to the south, southwest, and southeast (where there is an existing wetland) by natural vegetation and trees, and no change is proposed to these areas. The applicant proposes numerous additional screening plantings of Alberta Spruce and Emerald Green Arborvitae at the westerly, northwesterly and northeasterly areas of the property, all as shown on the landscape plan. The applicant also proposes new tree clusters at five additional locations on the interior of the site. Together, these plantings will effectively provide visual screening of the parking and other areas of locus for adjoining properties and from the street.

(b) The convenience and safety of vehicular and pedestrian traffic are enhanced:

The applicant has proposed a redesigned parking area, with newly reconstructed sidewalks, retaining walls, fences, and landings and ramps, and has proposed elimination

of one vehicle entrance to the property, construction or reconstruction of berming at the edge of Parallel Street, and construction of a new entrance with stop sign to the road. These changes are expected to improve the convenience and safety of pedestrian and vehicular traffic to and within the site.

(c) Surface water from parking areas and driveways will be efficiently and safely disposed of by means of a proper drainage system as specified in the Board's approval:

The applicant has designed two new stormwater drainage systems designed with capacity sufficient to infiltrate the runoff from a 100 year storm, based on field measured soil infiltration rates and computer modeling of the site, and submits that the proposed system will dispose of surface water from the parking areas and driveways efficiently and safely. Please see proposed drainage and grading plan filed herewith.

– END –



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0	lan	

14 Center Street, Suite 4 Provincetown

3010 Main Street, Suite 2E Barnstable

Benjamin E. Zehnder Direct Tel: 508.255.2133 ext. 128 bzehnder@latanzi.com

October 13, 2020

Anita N. Doucette, Town Clerk Harwich Town Hall 732 Main Street Harwich, MA 02645 Via ha

Via hand delivery

Re: New Planning Board Application 328 Bank Street, Harwich / Map 41, Parcel N4



Dear Ms. Doucette:

Please find enclosed for filing the following new application submittals to the Harwich Planning Board for Site Plan Review and a use Special Permit, for the above property:

- 1. Application with Owner Authorization 2 originals;
- 2. List of Waiver Requests 2 copies;
- 3. Municipal Lien Certificate 2 copies;
- 4. Narrative -2 copies
- 5. Abutters List 2 copies original to be delivered by Assessor;
- 6. Copies of prior zoning and planning decisions 2 sets
- Coastal Engineering Plan Set (6) full size and (11) 11x17 sets including sheets C.1.1.1 Existing Site Conditions, C2.2.2 Proposed Site Layout, 2.2.1 Proposed Grading and Drainage, C2.4.1 Site Details and C2.4.2 Utility Details;
- David H. Dunlap Associates, Inc. Plan Set (6) full size and (11) 11x17 sets including sheets SP-1 Landscape and Lighting, SP-2 Parking Lot Lighting, A-1 Ground Floor Plan, A-2 First Floor Plan, A-3 Second Floor Plan, A-4 Third Floor Plan, A-5 Accessory Building Plan, A-6 Exterior Elevations;
- 9. Drainage Calculations 2 stamped original sets;

Please note that the Planning Board waived the filing fee for this matter at its meeting of May 12, 2020, minutes attached in the prior zoning and planning decisions.

Thank you for your attention.

A Legal Beacon since 1969

MAILING: P.O. Box 2300, Orleans, MA 02653



8 Cardinal Lane Orleans

14 Center Street, Suite 4 Provincetown

3010 Main Street, Suite 2E Barnstable

Very truly yours. Benjamin E. Zehnder

BEZ/ cc via email only:

Charleen Greenhalgh, Town Planner Client David Michniewicz Matt Nelson



A Legal Beacon since 1969



8 Cardinal Lane Orleans 14 Center Street, Suite 4 Provincetown 3010 Main Street, Suite 2E Barnstable

Benjamin E. Zehnder Direct Tel: 508.255.2133 ext. 128 bzehnder@latanzi.com

October 22, 2020

Anita N. Doucette, Town Clerk Harwich Town Hall 732 Main Street Harwich, MA 02645 Via hand delivery

Re: Planning Board Application PB2020-06 328 Bank Street, Harwich / Map 41, Parcel N4

Dear Ms. Doucette:

Please find enclosed for filing the following submittals to the Harwich Planning Board for Site Plan Review and a use Special Permit, for the above property:

- 1. Amended Narrative 2 copies;
- 2. Coastal Engineering Plan replacement Sheet C.2.2.1 Revision Date 10-21-2020 (2) full size and (11) 11x17 sheets;
- 3. David H. Dunlap Associates, Inc. replacement sheets A-1, A-2, A-3, A-4 and A-5 Revision Date 10-19-2020 -

Thank you for your attention.

Very truly yours. Benjamin E. Zehnder

BEZ/ cc via email only: Charleen Greenhalgh, Town Planner David Michniewicz, Client, Matt Nelson

A Legal Beacon since 1969

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION

SPECIAL PERMITS & SITE PLAN REVIEW

FORM A



TO THE TOWN CLERK, HARWICH, MA

DATE October 13, 2020

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	The Royal Apartments LLC 8 Alton Place, Brookline, MA 02446
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Benjamin E. Zehnder La Tanzi, Spaulding & Landreth
Mailing address	P.O. Box 2300
Town, ST, Zip	Orleans, MA 02653
Phone	(508) 255-2133 ext. 128
Fax	(508) 255-3786
E-mail	bzehnder@latanzi.com

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

I Owner □ Prospective Buyer* I Representative for Owner/Tenant/Buyer*

□ Tenant* □ Other*

*Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

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 Bylaws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

0 Applicant

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

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
Coco #	

Case #

PART B – PROJECT LOCATION

Legal Street Address	328 Bank Street	Village/Zip Code 02645
Title Book/Page or L.C.C. #	B.C.R.D. Book 32263, Page 179 /	Plan Book 389, Page 98
Map(s) / Parcel(s)	Harwich Assessor's Map 41 Parce	1 N4
Zoning & Overlay Districts	MRL; Harwich Center Overlay *Historic? Harwich Center Historic Dis	
Frontage (linear feet)	42,403	
Total land area (s.f.)	82,443	
Upland (s.f.)	71,444	Wetlands (s.f.) 10,999

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross: Net:	
Proposed Floor Area in Sq. Ft	Gross: Net:	
Change in Sq. Ft + / -	Gross: 0 Net: 0	
Existing # of parking spaces	Proposed # of parking spaces: 43	
Existing Use(s)	former nursing home / assisted living & senior day care	
Proposed Use(s)	Multifamily use containing 26 units.	
Attach a separate narrative if necessary.	······································	

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: (*check all that apply*)

Site Plan Review § 325-55:

.....

.

Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window

I Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.

A Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.

Establishment of any new retail use(s) in the Industrial (IL) Zone.

□ Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

Paragraph_____, sub-paragraph #_____
 Paragraph_____, sub-paragraph #_____, supplemental regulation #_____§ 325-14

Article X, Special Permits:

□ Structures w/ gross floor area of 7,500+ s.f. § 325-51

□ Structures requiring 20 or more new parking spaces § 325-51

□ Accessory Apt./Shared Elderly Housing § 325-51.H □ Mixed Use § 325-51.M

Drinking Water Resource Protection § 325-51.C Two Family § 325-51.N

□ Village Commercial, Harwich Port § 325-51.L □ *Harwich Center Overlay § 325-51.0

Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

Other Special Permits:

Six Ponds Special District - Article XVI

U Wind Energy Systems - Article XVIII Large Scale Wind Generation – Article XIX

X Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B) Multifamily Dwelling s. 325-51(Q)

Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on _____Year/Case # ______

*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 and Historical Commission. Please inquire for forms and instructions.

September 2011

RA

Owner Authorization

328 Bank Street Assessor's Parcel ID 41-N4 The Royal Apartments LLC Application for Planning Board Site Plan Approval and Special Permit

The Royal Apartments LLC hereby authorizes Benjamin E. Zehnder and La Tanzi, Spaulding & Landreth, LLP to prosecute all necessary applications before the Town of Harwich Planning Board for development of the property at 328 Bank Street, Harwich, MA.

October 12, 2020

Matthew Newman, Manager

AMENDED - List of Waiver Requests

328 Bank Street Assessor's Parcel ID 41-N4 The Royal Apartments LLC Application for Planning Board Site Plan Approval and Special Permit

November 24, 2020

Prepared by Benjamin E. Zehnder / La Tanzi, Spaulding & Landreth

Pursuant to Harwich Town Code §400-6 applicant The Royal Apartments LLC requests the following waivers from the requirements Harwich Town Code §400-16(B)(1)(a) and Apendix 4:

- 1. Filing Fee Waiver was approved by the Planning Board at its meeting of May 12, 2020.
- 2. Variance Notations on Plan Copies of variances and special permits provided in application package.
- 3. Existing Driveways within 100 feet of site The site plan shows existing driveways across Parallel and Bank Streets from locus. Showing driveways within 100 feet would require significant increase in the scale of the plan and there is no proposed increase in traffic.
- 4. Lighting The applicant requests a waiver of the requirement to show lighting on the existing buildings as there are no changes proposed.
- 5. Freestanding Signs The applicant has not determined the location of signage and will conform all signage to the sign bylaw.
- Parking Area Setback Requirements The applicant requests that the Planning Board waive parking area setback requirements set forth in Bylaw § 325-42L pursuant to the Boards right to waive such setbacks as set forth in Bylaw § 325-51.O(5)(F).

END

State Tex Form 290 Certificate: 380 Issuance Date: 10/09/2020

MUNICIPAL LIEN CERTIFICATE TOWN OF HARWICH - LIVE DATA COMMONWEALTH OF MASSACHUSETTS

Requested by LATANZI, SPAULDING & LANDRETH, ATTYS

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 10/09/2020 are listed below.

DESCRIPTION OF PROPERTY

Parcel ID: 41/N4-E

328 BANK ST

THE ROYAL APARTMENTS 8 ALTON PL UNIT 5 BROOMLINE	S LLC MA 02446	Land area : Land Value : Impr Value : Land Use : Exemptions : Taxable Value:	1.89 AC 412,300 1,085,300 0 1,497,600
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Deed date: 08/30/2019 Book/Page Class: 0100-GENL	: 32263/179		وي موجد المحد المحد المحد عليهم المحد عليهم المحد
FISCAL YEAR	2021	2020	2019
DESCRIPTION COMMUNITY PRESERVATION ACT REAL ESTATE TAX	\$196.11 \$6,537.03	\$392.22 \$13,074.05	\$480.35 \$16,011.76
TOTAL BILLED: Charges/Fees Abatements/Exemptions Payments/Credits Interest to 10/09/2020	\$6,733.14 \$.00 \$.00 -\$3,366.57 \$.00	\$13,465.27 \$.00 \$.00 -\$13,465.27 \$.00	\$16,492,11 \$.00 -\$1,039.02 -\$15,453.09 \$.00
TUTAL BALANCE DUE:	\$3,366.57	\$.00	\$.00

NOTE: Actual 2021 taxes not yet issued.

) BALANG TY BILI	章125.52		
TOTAL	OTHER	UNPAID	BALANCES	2	\$125.62

IF CHECKED, contact Treasurer's Office at 508-430-7501 for update Internet, contact iteasuret s dirice
I This property is in TAX TITLE.
I This property has a BETTERMENT.
I This property has a DEFERRAL.
I This property is currently EXEMPT. ſ

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Umy Bullock

AMY BULLOCK TOWN COLLECTOR/TREASURER

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

DECISION

• <u>#79-17</u>

On Tuesday, May 29, 1979, the Harwich Board of Appeals heard the appeal of Eleanor L. Stevens, 23 Snow Inn Road, Harwich Port, MA, 02646. The Petitioner, who is the owner of the property at Bank and Parallel Streets, Harwich, MA, 02645, known as the Old Harwich Inn, sought a continuation of a non-conforming use in the name of Forrest A. Eaton, Jr. and Gregory Y. Winston to allow the "Inn" to be restored for the purpose of renting ten (10) rooms, serving breakfast and retail sale of antiques. Under Table 1, Use Regulations, such uses are prohibited in an MRL Zone.

The Board found the following:

1. The property in question has a history as an Inn, Lodging House, Guest House, etc., dating back to the 19th century;

. 2. Petitioner plans to rent rooms, serve breakfast and sell antiques;

3. The Building-will be restored as closely as possible to the way it ... was in its early history ...

In consideration of all the widence in this case the Board woted with unanimously to grant the relief on the grounds that in a renovated state... the property would be an asset to the Town as welf as to the petitioner. Further, the Board saw no evidence that this relief would be a derogation -from the intent of the By-Law since in fact the proposed use would be the asset referred to above.

Extension to non-conforming use granted.

Members present and voting:

John L. Roche Walter Hemeon----William Jussila George Vagenas Ernest Elge

HARWICH BOARD OF APPEALS

hairmai

#83-39

On October 25, 1983, the Harwich Board of Appeals heard the Petition of Gregory Winston, 328 Bank Street, Harwich, Mass., by his Attorney, Howard C. Cahoon, Jr., Old Colony Road, Harwich, Mass. 02645. The Petitioner, who is the owner of the Bank Street property as shown on Assessors' Map 41-N4 sought an extension of a non-conforming use to allow the construction of an apartment on the third floor of the premises at 328 Bank Street, Harwich, Ma., and/or a variance from the Harwich Protective By-Laws, Section VI, Paragraph D, Sub-paragraph 14 and Paragraph F to allow habitation on the third floor and a variance from Section V, Table 1, Use Regulations, Paragraph 1, Sub-paragraph 2, to allow a second kitchen on the premises. The approval of the Board of Appeals is required in the granting of an extension of a non-conforming use and a variance.

In the evidence taken in this case, the Board found:

1. The building in question has a long history as a lodging guest house;

2. The Petitioner has done a considerable amount of renovation since purchasing the property;

3. The Petitioner has approval to rent to ten (10) people, and his clients are elderly men and women;

4. The proposed apartment would be for the Petitioner's private use.

In consideration of all of the evidence, the Board voted unanimously to grant the variance on the grounds that the building is unique because of its history as a lodging/guest house. The Petitioner faces undue hardship if denied the chance to enjoy much needed privacy in his own home. Further, the Board saw no evidence that the granting of this variance would be a detriment. In fact, the Board found that the entire project, under Mr. Winston's supervision, is an asset to the community. There was no evidence that the granting of this variance would derogate from the intent of the By-Law since the use of the third-floor apartment is for Gregory Winston, personally, and in the event of the sale of the property, the approval of the use ceases.

Variance granted with condition noted.

Members present and voting: John L. Roche, Walter Memor, Eleanor Tobey, Alice Dalzell, and John Ferreira.

HARWICH BOARD OF APPEALS

John L. Pock

Dr. John L. Roche, Chairman

DECTRTON

#84-55

On October 30, 1984, the Hrwich Board of Appeals heard the petition of Gregory Winston, 328 Bank Street, Harwich, MA. The Petitioner, who is the owner of the above property, as shown on Assessors' Map 41-N4, sought an extension of a non-conforming use to allow the construction and rental of eight (8) bedrooms, four (4) of which have adjoining living rooms.

In the evidence taken in this case, the Board found: .

- The property in question is non-conforming since it fails to have the required setback from a road:
- 2. Without kitchen facilities, the proposed project is not classified as multi-family.

In consideration of all the evidence in this case, the Board voted unanimously to grant the extension to a non-conforming use on the grounds that the evidence did not suggest that the extended use would be substantially more detrimental than the present use.

Extension to non-conforming use granted.

HARWICH BOARD OF APPEALS Roche, Chairman



HEARING #85-52

The petition of Gregory Y. Winston, 328 Bank Street, Harwich, MA 02645. The petitioner who is the owner of the property as shown on Assessor's Map 41, Farcel N-4 seeks an extension of a non-conforming use to allow eight units to have efficiency kitchens at the Winstead Retirement Center under By-Law Section X, Paragraph J. In the alternative, the petitioner seeks a variance under Section VI Paragraph 13 to accomplish the same. The approval of the Board of Appeals is required in the granting of an extension of a non-conforming use or a variance.

Mr. Winston was represented by Attorney Richard Cain. Mr. Cain told the Board that Mr. Winston has owned and operated the Winstead Retirement Center since 1979. His client is asking the Board's approval to add eight extremely small, executive-type kitchenettes to eight of sixteen new units to be added to the Retirement Center, thus the Winstead Retirement Center might now be considered a multi-family unit. Mr. Cain emphatically stated to the Board that the need for such kitchen facilities, although very compact in nature with no accessory appliances, such as dishwashers, microwaves and the like, is more emotional than a need or necessity as the proposed facilities meet the emotional needs of senior citizens transferring from their homes to retirement center lifestyles. Winstead, Cain went on to say, is senior citizen group living with an excellent community life aspect.

The attorney told the Board his client is seeking an extension to a nonconforming use because the proposed additions do not vary the facility from guest house status to multi-dwelling facility. The Retirement Center has extremely good relations with its neighbors in the area and Mr. Winston has no plans to sell this property in the near future.

Building Inspector: Mr. Lovinsky stated that a dwelling unit that can be used separately falls under zoning for multi-family dwelling. This he felt would be a multi-family dwelling with kitchen and a Variance for this would be necessary to be obtained from the Board. Bradgate, a proposed Condomimium, was previously granted a Variance for multi-family use.

Town Officials: Freeman Allison, Selectman, felt that "a kitchen is a kitchen" and also felt that Mr.Winston should come before the Board for a Variance.

No one spoke in favor of the petition.

George Cavanaugh, an attorney for Bradgate Condominiums, spoke in opposition to the project. He stated that Winstead is a multi-family use and if this project were allowed, Bradgate would still have the right to build 70 Condominium units.

There was no correspondence.

Board Member John Ferreira felt that the substantial amount of space devoted to appliances would be installed in the units. Fhilip Lindquist, architect for the project, stated that appliances would be of necessity extremely small (i.e. 9 cubic foot refrigerator, two-burner stove, tiny sink) as Mr. Winston wants to retain control of what takes places in his units. The units are only a symbol of independence to the residents of Winstead, nothing more than the means by which residents could partake of a small snack or a very light breakfast. Chairman Jussila wanted to know who controls meals at the Center, Mr. Winston replying that Winstead offers a full meal service and he would welcome restrictions on the kitchens if the Board so desired. He is asking for the kitchenettes, so to speak, to wean individuals from a home lifestyle to a retirement center lifestyle.

Freeman Allison again told the Board that a Variance was necessary and the Planning Board's past opposition to the project re density.

Sara Aver moved that petition be granted for non-conforming use, adding that in addition to her work with the elderly, she felt that semiors moving from home to the center still needed to retain some type of independence and most retirement centers offer some adjunct to their main kitchen facilities.

DECISION #85-52

On October 29, 1985, the Harwich Board of Appeals voted unanimously to allow Gregory Y. Winston, 328 Bank Street, Harwich, MA 02645 to withdraw Petition #85-52 without prejudice.

HARWICH BOARD OF APPEALS

William J. Jussila, Chairman



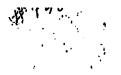


Dean Derby approved of the petition for non-conforming use so long as restrictions were placed on the use of small appliances in them. Walter Hemeon stated that the Board has a legal obligation to protect the property abutting Winstead, namely Bradgate Condominiums.

Chairman Jussila suggested meeting with Town Counsel Falla to resolve this problem and return for next month's meeting. He preferred tabling the motion until October when the Board was able to receive Town Counsel Falla's opinion as to what legally constitutes a kitchen.

On motion by Walter Hemeon, seconded by Sara Ayer, it was the unanimous vote of the Board to table the motion until the October meeting.

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On June 25, 1986, the Harmich Bound of provide held a public hearing on the fatition of <u>Greense Y. Wonston</u>, [17] Bank Standt, Harmich, AN 01645, an shown on Subscort a con <u>144</u>, arout <u>N4</u> who sought an extension of a non-conforming structure to add to an existing third floor bedroom.

After the hearing, the Board made the following findings:

- 1. The addition has already been completed.
- 2. The addition is to a fund story bedroom of the original structure.
- 3. Access to the ordition is only through the original structure that is only " storys.
- 4. The addition in question is the sume as the addition the Board save permission to construct last year so that the fetitioner could enterge existing rooms on the o original structure.

Based on the fraks found, the Found voted 4 to 0 to grant the extension to a non-conforming structure.

Members voting in favor:

Peterson, Hemeon, Ferricara, Jussila

Abstaining: Ayer

Harrich Board of tupoals

illiam J. Jussil., Chairman



"The Board of Appende met in the meeting room of Prophy / cademy Building, siscon Road, Berwich, W., on June 27, 1986 to hear the appeal of the following:

6.30 Gregory Y. inclon. Econerty a medick 5.8 Bank breat, Harwich. MA, 02645. Fetition is for estantion of nonconforming structure. Fictures of the origing structure were presented. Istitioner wants to add to an existing third floor bedroom.

> This is an unique situation in that the addition can be seen as either a second or third floor level. From Pant treet, it appears to be a second floor room. From another, it may be seen as level with a third floor addition built last summer, with a building permit granted by this Board.

The original bouse is one of two levels, on which this bedroom was added. However, later additions were of three levels. The question is whether this bedroom is part of the original building.

Roger Peterson quartioned if the entrance to the bedroom was on Bank ftreet, where it is two levels. Wr. inston replied that it was.

Thomas Lovinsky, Building Inspector, stated that without the new addition, the bedroom would be allowable, because it could not appear as three levels. He, bimself, had gone by the house a few times without noticing this. The confusion was whether it was part of the old or new house.

Sara Ayer asked if access to the room was from the old house only. The response very yet, the interpreted the situation for clarification that the room yes part of the original house on the second floor, and the only access is from the original house.

The hearing was closed at 8:00 p.m. by the chairman.

A motion was made and seconded to approve the extension. There was a 4-0 vote in favor, with sura Ayer abstaining.



FILE COPY



Royal Health Group

8 Lewis Point Road • Buzzards Bay, Massachusetts 02532 • Tel 508 759-5752 • Fax 508 759-3628

October 25, 2005

Mr. Jeff Larson Building Inspector Town of Harwich 732 Main Street Harwich, MA 02645

Re: Royal at Harwich Village 328 Bank St. Harwich Dear Mr. Larson:

This letter is to confirm the following details. The property located at 328 Bank Street now known as The Royal; was earlier know as the Winstead. As the Winstead; the prior owners of the property were most recently licensed to operate an Assisted Living Facility. This was confirmed to us in writing by the Town of Harwich; Banknorth: and the Commonwealth of Massachusetts, Office of Elder Affairs. As you may be aware; Banknorth (Cape Cod Bank); had foreclosed on the property and operated it for a period of almost two years; subsequently closing the property prior to our acquisition. Prior to our occupancy, we installed a fire suppression system throughout the entire building. The facility was licensed for a capacity of up to 41 residents; and to the best of our knowledge every unit in the building was licensed for occupancy and at one time or another was occupied by elderly clients. The total occupancy permit was corroborated by the septic system certification. The particular unit in question, known today as the penthouse and occupying the third floor above ground level; will be occupied by no more than two residents at a time. Under separate cover, we are providing to your office a floor plan with a maximum occupancy by unit for the entire facility.

I swear that the above statements are true and correct to the best of my knowledge.

Signed and sworn before a Notary Public on this 25th day of October, in the year 2005; County of Barnstable, Commonwealth of Massachusetts.

SS: James S. Mamary, CEO Royal Assisted Living, LLC Notary Public: My Commission expires: Peter L. LeBrun

Poter L. LoBrun NOTARY BUBLIC Myconchethiogusi Apr. 5, 2007

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Afiliate Members of the Royal Health Group

Cape Cod Nursing & Rehabilitation Center 8 Lewis Point Road Buzzards Bay, MA 02332 Tel 508-759-5752 Fax 508-759-3628 Royal Megansett Nursing & Retirement Home 209 County Road North Pelmouth, MA 02556 Tel 508 563-5913 Fax 508 564-4163 Royal Nursing Center 545 Main Street Faimouth, MA 02540 Tel 508 548-3800 Fax 508 548-6936 Taber Street Nursing & Rehabilitation Center 19 Taber Street New Becklard, MA 02740 Tel 508 997-0791 Pax 508 991-5013

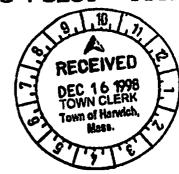
OCT 2.6 2005

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BK12069 PG281 19328

02-17-1999 @ 02:47

TOWN OF HARWICH BOARD OF APPEALS DECISION



98-80

FILED WITH TOWN CLERK:

HEARING DATE:

PETITIONER:

PETITION NO.:

December 2, 1998

Gregory Y. Winston 328 Bank Street Harwich, MA 02645

OWNER:

Gregory Y. Winston and David Plunkett 328 Bank Street Harwich, MA 02645

PROPERTY:

113, 109 and 118 Parallel Street, Harwich, MA, shown as Parcels N4, N3-A and D1-1 on Assessor's Map 41

The Petitioner requested a Special Permit under Section X, Paragraph J of the Zoning By-Law and Variances from Section V, Paragraph E, Table 1 (Use Regulations) and Section IX, Subsections A through C, including Table 4, (Off-Street Parking Regulations) of the Zoning By-Law to change, extend or alter pre-existing nonconforming structures, parking and uses at 113, 109 and 118 Parallel Street known as The Winstead Retirement and Elderly Day Care Center from a thirty (30) unit inn/retirement facility with a forty (40) seat dining room to an inn/hotel, restaurant and tavern use with 31 guest rooms, a forty (40) seat tavern on the first level and a one hundred (100) seat restaurant on the second level, with eighty-one (81) outdoor parking spaces and six (6) garage spaces. Twenty-six (26) outdoor parking spaces to the west of the present day care center building will not be constructed until the restaurant and tavern are in use. All parking is to be located on all three parcels. The request is herein referred to as the "Project".

Members of the Board present:

William J. Jussila, Chairman; John B. Ferreira; George Cavanaugh; Christopher Hemeon; and Donna Peterson.

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property deemed by the Board to be affected thereby and as required by statute,

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and that public notice of such hearing has been given by publication in the Cape Cod Chronicle. The hearing was opened on December 2, 1998.

The following appeared in person or through correspondence in favor of the Petition:

Myer R. Singer, Attorney for the Petitioner; Gregory Y. Winston; and numerous people ho spoke in support of the Project. A petition signed by more than seventy (70) people was presented in support of the Project.

The following appeared in opposition or with questions regarding the Petition:

A lady appeared on behalf of a Mr. Nickerson with a question regarding the potential for late night noise as a result of the Project.

The Petitioner presented the following information and the Board finds the following as facts in support of its decision.

113 and 109 Parallel Street are located in the MR-L Zoning District. 118 Parallel Street is located in the C-V Zoning District. 109 Parallel Street is a nonconforming lot that is improved with one structure containing a nonconforming residential duplex. 113 Parallel Street is improved with two structures and is currently used as The Winstead Retirement and Day Care Center, which are nonconforming uses. 118 Parallel Street on the north side of the street, is improved with a retail sales building and is nonconforming as to its front yard setback.

The Petitioner desires to have a destination resort in Harwich Center by changing the use of the existing buildings located at 113 Parallel Street from a thirty (30) unit inn/retirement facility with a forty (40) seat dining room and day care center to an inn/restaurant and tavern use containing thirty-one (31) guest rooms, a forty (40) seat tavern on the first level and a one hundred (100) seat restaurant on the second level of the building. Parking with a total of 92 spaces for the Project will be located on all three parcels that comprise the Property. The Project includes remodeling the structures on 113 Parallel Street, revising the parking areas and access driveways on all three parcels and upgrading all three Parcels. The Project will be constructed in two (2) or more phases and the Petitioner seeks permission to not construct the 26 parking spaces to the west of the present day care center building until the restaurant and tavern are in use. The two (2) family house will remain at 109 Parallel Street and the antique shop will be an upscale Antique and Inn Shop with plumbing and bathroom.

The physical alteration to the exterior of the principal structure will not be substantially more detrimental to the neighborhood because the only exterior change will be the addition of an awning and entrance on Parallel Street. Moving the entrance from Bank Street which is more heavily traveled then Parallel Street is seen as positive rather than detrimental. The shop at 118 Parallel Street will be upgraded with a new roof and it and the daycare center building will be painted and rehabilitated to the extent needed.





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The interior changes at the day care center building will be to remodel it into three guest units. The retirement center building will be a tavem on the first or lower level, a restaurant and guest units on the second or street level and guest units in the remainder of the building. The parking at 118 Parallel Streets is conforming and permitted in the commercial zone.

~;

The parking at 113 Parallel Street is nonconforming but will remain substantially screened from view because it will be behind the buildings and at a lower grade than the road. Most of the parking at 109 Parallel Street will be new but will also be substantially screened from view. This parking will not be built until the restaurant and tavern use open.

The remodeled buildings will meet all applicable building and safety code requirements. In-lot and buffer vegetation and screening will be provided as shown on the plans. The Project will result in increased traffic. However, the site will be a destination resort and with the available amenities at and within walking distance of the Inn, the guest units at the Inn are not expected to have a significant traffic impact. With the restaurant, swimming pool and Inn shop, people will be encouraged to stay at the Inn. With additional antique and other stores in the area, as well as the Library, tennis courts, Brooks Academy, band concerts and White House Field with public activities, the Inn guests are more likely to stay and relax in a revitalized Harwich Center.

The tavern and restaurant will also result in traffic but less than most similar facilities. With the potential of package programs and ambiance of the Inn many Inn guests will also be the restaurant guests without increasing traffic. Also, the nature of the service is not expected to be attractive to persons seeking a quick, casual meal and therefore frequent short stops are not expected. The tavern tables will be set with white linen table cloths. It will be a place to come and relax in a quiet atmosphere rather than have an upbeat and contemporary atmosphere.

The change will have a positive effect on Harwich Center and not be detrimental.

Based on all of the above reasons, the Board determined that the change of uses and the building alterations will not be substantially more detrimental to the neighborhood than the existing, nonconforming uses. This will be particularly true because the Property will be physically improved — building, parking, lighting, septie and landscaping.

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

Variances are needed for parking on 109 Parallel Street and to have fewer parking spaces than required. A literal enforcement of the provisions of the Zoning By-Law will deny the Applicant the opportunity to rehabilitate the Property and will result in a substantial hardship to the Applicant and the surrounding neighborhood.



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The main building has been devoted to a particular use. Due to changes in the assisted living community on the Cape, continued operation of the Retirement and Day Care Center have become uneconomical.

113 Parallel Street was first an inn and dining establishment in 1913 as the New Winslow Hotel started by Sam Ellis. Thereafter it was owned by a Perry family and called the Harwich Inn. For a period in the 1940's and 1950's, when the Hall family owned the property, rooms were rented out to actors in play groups, summer league baseball players and employees of local restaurants. For a period in the late 1960's and 1970's the property was a dormitory for Snow Inn employees.

The Inn building, the Day Care Center and the land adjoining and across the street from them are all unique for the area, have a special setting in the area and have limited value for single family houses. Enforcement of the Zoning By-law requiring a single family use when it has been used for transient guests for 85 years would be a hardship on the owner.

The requested variances will not cause any substantial detriment to the public good nor substantially derogate from the overall intent of the Zoning By-Law because the property will be maintained for its historic use. Those buildings in need of remodeling will receive it, the "antique" shop will be made useful with new plumbing and bathroom facilities, an in Town resort with transportation to the beach will benefit the area, property values will be enhanced and the public protected from potential deterioration.

Based on the above reasons, the Board finds that the requested variances will neither cause any substantial detriment to the public good nor nullify or substantially derogate from the overall intent and purpose of the Zoning By-Law. The site changes will provide a benefit to the community and will help revitalize Harwich Center. The Town is in need of lodging and accommodations and a fine dining restaurant. The site upgrade will benefit all three parcels and the neighborhood. The Project as proposed will not advarsely affect the public health, safety, convenience or general welfare of the Town. Parking will be safe and adequate. Landscaping will be attractive and well-maintained.

The Board of Appeals, after giving due consideration to the facts and information presented, is satisfied that the criteria for the issuance of the requested Variances under both the Town of Harwich Zoning By-Law and the General Laws of the Commonwealth of Massachusetts have been met by the Petitioner.

The Board members discussed whether a Variance was necessary in order to change the buildings. The Board determined that the requested Special Permit for the change of a nonconforming use and structures was adequate and that the requested Variance was not necessary. At the request of the Petitioner, it was moved and unanimously voted in favor of the request to withdraw without prejudice for so much of the Variance request as was not



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Christopher Hemeon moved to grant a Special Permit and Variances as applied for and presented at the hearing. After discussion, the Board voted to grant the Special Permit under Section X, Paragraph J of the Harwich Zoning By-Law to change, extend or alter the pre-existing nonconforming structures and pre-existing nonconforming uses and parking, and the Petitioner's request for Variances from Section V, Paragraph B, Table J (Use Regulations) and Section IX, subsections A through C, including Table 4 (Off Street Parking Regulations).

Members of the Board voting in favor:

William J. Jussila, Chairman; John E. Ferrelra; George Cavanaugh; Christopher Hemeon; and Donna Peterson.

Members of the Board voting in opposition:

None.

Therefore, by a vote of five (5) in favor and zero (0) opposed, the Petitioner's request for a Special Permit under Section X, Paragraph J of the Harwich Zoning By-Law to change, extend or alter the pre-existing nonconforming structures and pre-existing nonconforming uses and parking, and the Petitioner's request for Variances from Section V, Paragraph B, Table I (Use Regulations) and Section IX, subsections A through C, including Table 4 (Off Street Parking Regulations) are granted.

No permit shall issue until 20 days from the date of filing the decision with the Town Clerk.

/illiam J. Jussila.

#98-80

CERTIFICATION OF TOWN CLERK:

I, Anita Doucette, Town Clerk, Town of Harwich, do hereby certify that 20 days have elapsed since the filing with me of the above Board of Appeals Decision No. 98-80 and that no notice of appeal of the decision has been filed with me, or if such appeals has been filed, it has been dismissed or denied.



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To: Bos

To: Ms. M. Eldredge Health Director; Ms. C. Greenhalgh and Planning Board: Zoning Board; BOS (care of Ms. S. Delaney

From: Alan C. Wirsul 2 Englewood Dr. Harwich Ma 908 239-1287

Subject: <u>Royal Apartments, LLC Toxic Building materials in Structures Built prior to 1978-homes and</u> Children occupied facilities. Federal Toxic Substances Control Act <u>(TSCA) Section IV And Office of</u> <u>Chemical Safety and Pollution Prevention (OCSPP)</u>

Dear Folks:

With regards to the **Royal Oaks Apts**. There is at least one structure on the property that dates back to the **1800's and where Toxic Building Materials were more than likely used (ie Lead and asbestos/Mesithelioma) and I would like to focus this writing to lead.** Why? Local Governments do not focus on this <u>subject until children are found with elevated harmful lead blood levels of lead and lits too late.</u> You wish an example, one need only look to Marthas Vineyard and the US Coast Guard Personnel who have young children found with harmful High levels of lead in government provided housing, reported only 2 weeks ago. What is even more interesting is that protocol testing was conducted and did not detect the levels of lead, most probably because the equipment used to measure could not detect the levels of lead most probably due to how the samples were taken or the equipment used to measure the appropriate restricted quantities. Please also find a short note on asbestos which I am sure you are aware of.

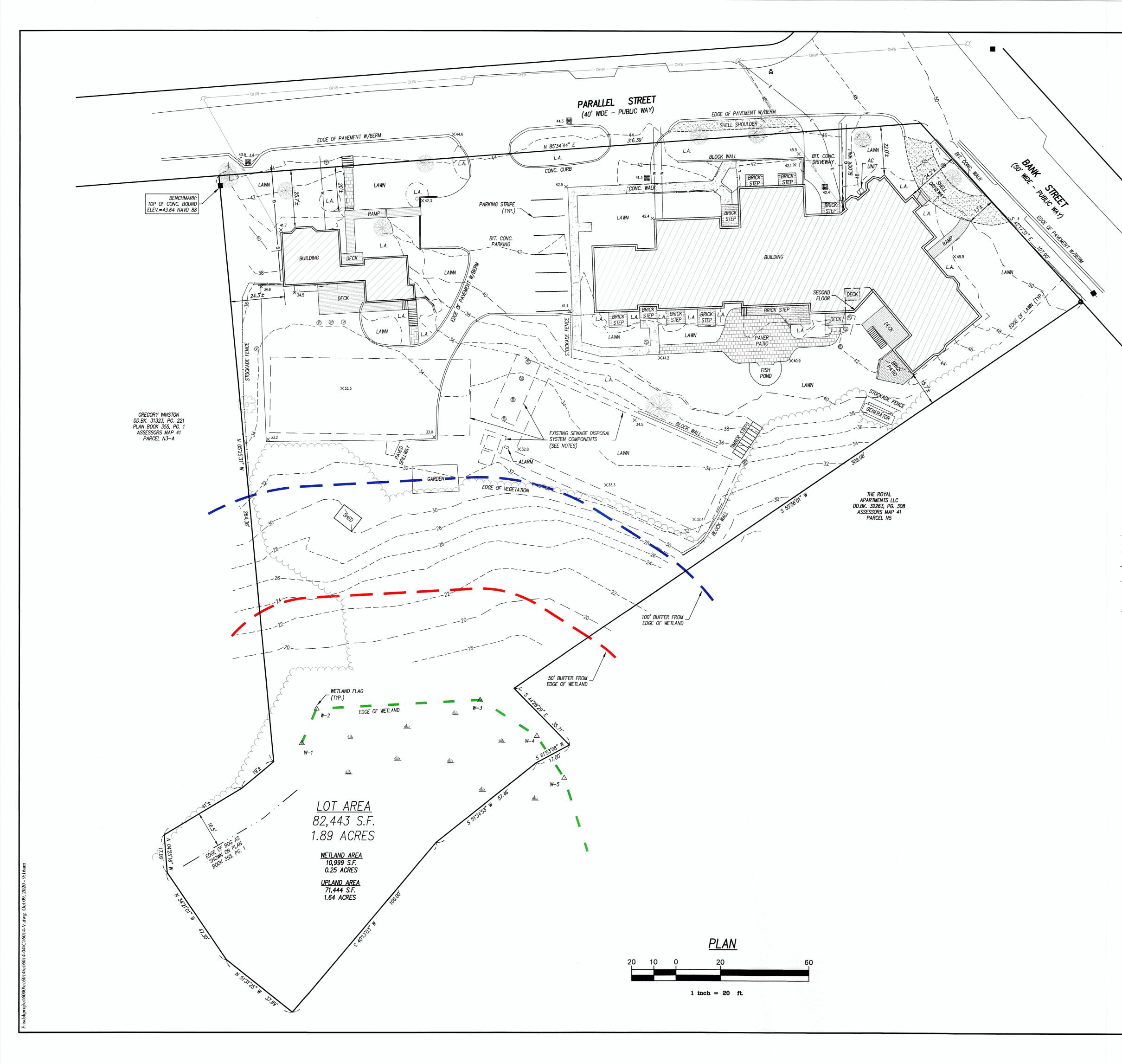
Please note that the Federal Office of Chemical Safety and Pollution Control (OCSPP) have taken important steps to further protect children from exposure to lead <u>contaminate dust</u>. The Royal Oaks Apts. certainly falls under these possible circumstances. And these regulations far supersede an MA. EPA Regulations.

Why you might ask? Lead is a soft metal and a potent neurotoxin with <u>no known safe exposure</u> <u>thresholds according to the US National Library of Medicine</u>. Lead is particularly harmful to the development of children brains, but can also have a variety of deleterious effects on people of all ages. It is especially important to note that elevated harmful levels of lead can show up in children's blood <u>after only 2 years of living conditions</u>. The consumer Product Safety commission, in 1977, limited lead in most paints to be at 0.06% (600ppm) by dry weight. Since 2009, the allowable lead level was reduced to 0.009%. Now the OCSPP and Federal EPA have lowered <u>dust-lead Hazard standards on</u> <u>floors to 40 micrograms of lead per square foot (</u>UG/ft2) *Who will the future occupants be in the Royal Oak Apts*.?

These are facts which cannot be disputed. Should the Town of Harwich have an obligation to impose a lead inspection and a risk assessor to Royal Oaks for any variance granted? Should there be an obligation to have a plan in place to abate interior level of lead paint (LBP) Obviously, the office of OCSPP has taken these steps to be certain that a place <u>like the Royal Oaks Apts. are suitable of young</u> <u>children habitation by families with young children</u>. <u>Federal Regulations go far beyond the meer</u> <u>chipping of paint and have placed much tighter standards for lead</u>. For Example, and as demonstrated above in the presentation, <u>OCSPP is very concerned about lead dust</u> and frequently finds it a common occurrence on floors, in window sills, and believe it or not soils surrounding aged structures.

In conclusion, <u>might I suggest that the Town Harwich pay close attention to the OCSPP newly</u> <u>established standards for Royal Oaks LLC Apts.</u> for lead and not to be neglected asbestos. It is well known that Asbestos, as long as it is encapsulated and not brought out to dust levels, it can be contained. However again, any asbestos incorporated in structures prior to 1980, should assume that asbestos is present and handled properly with "interior reconstruction" in aged building like at least part of the Royal Oaks LLC Apts.







<u>LEGEND</u>

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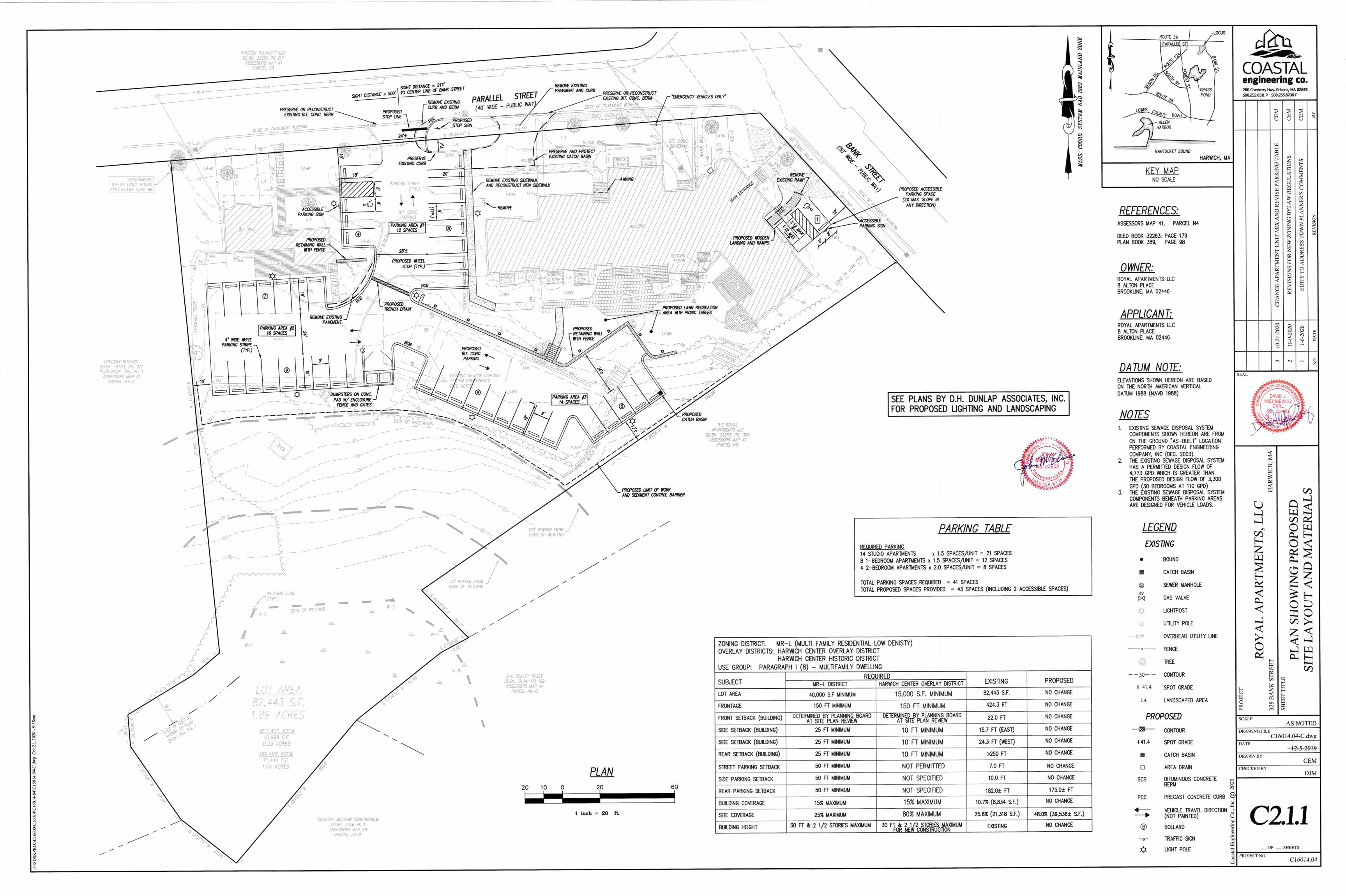
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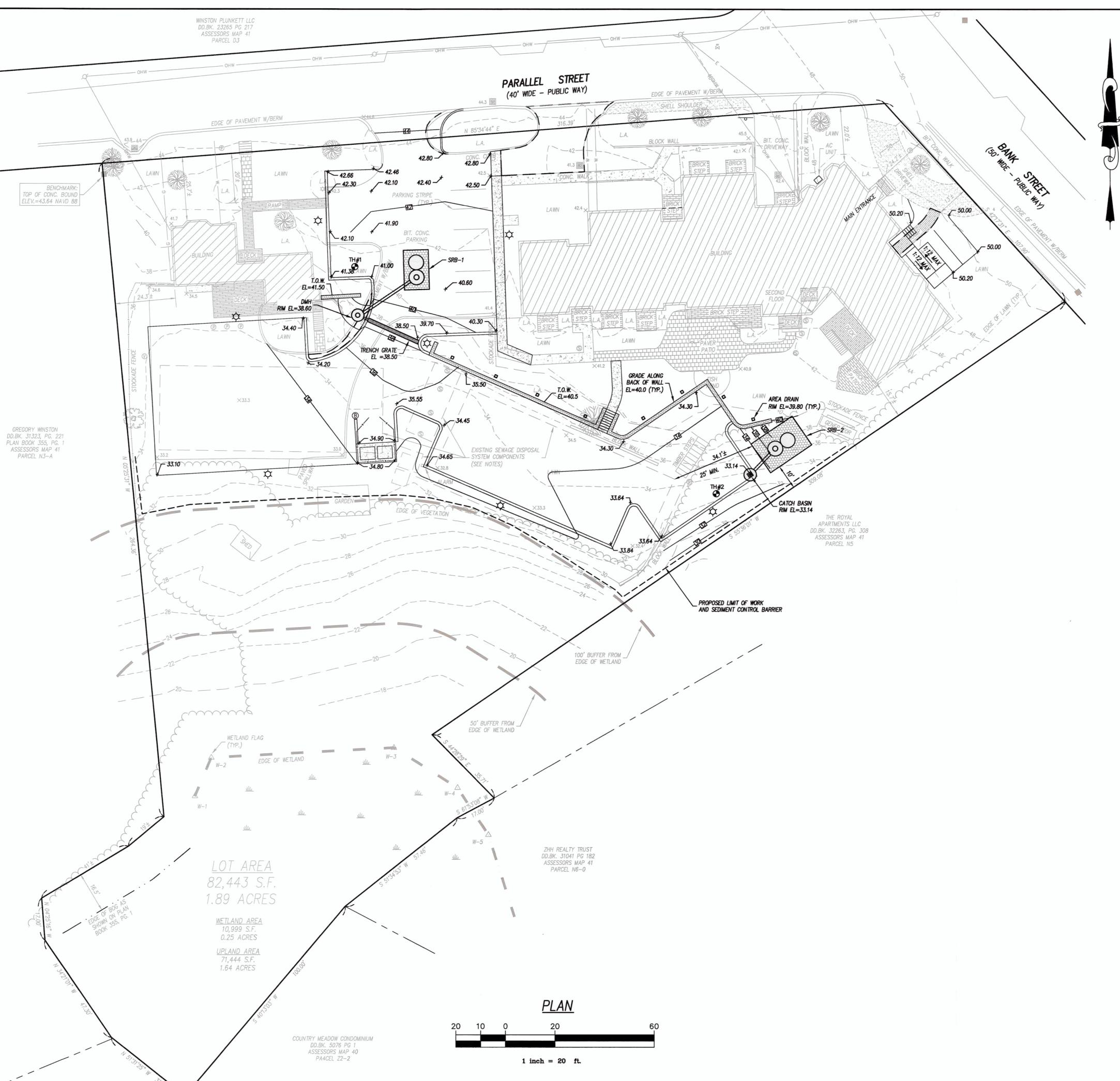
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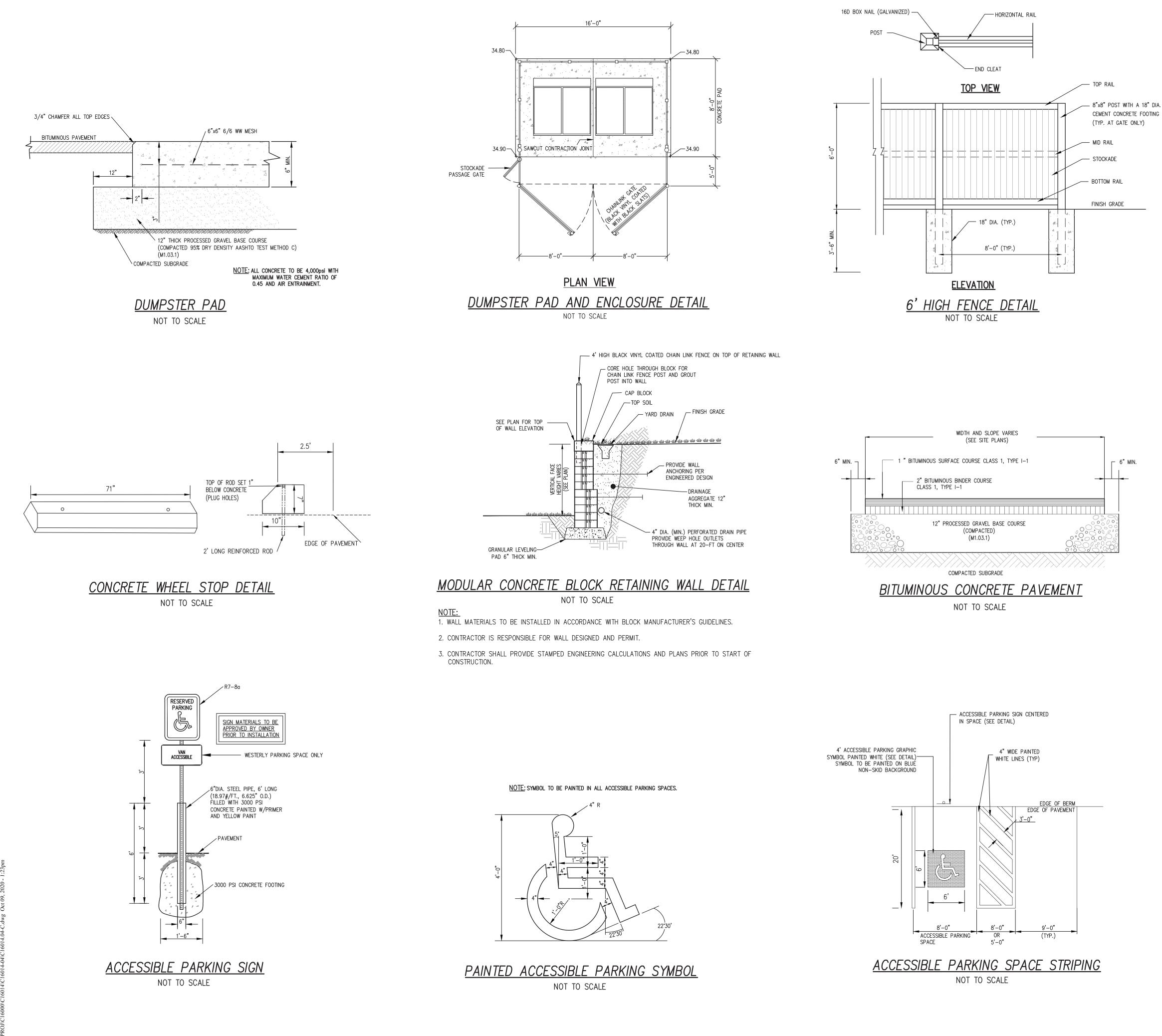
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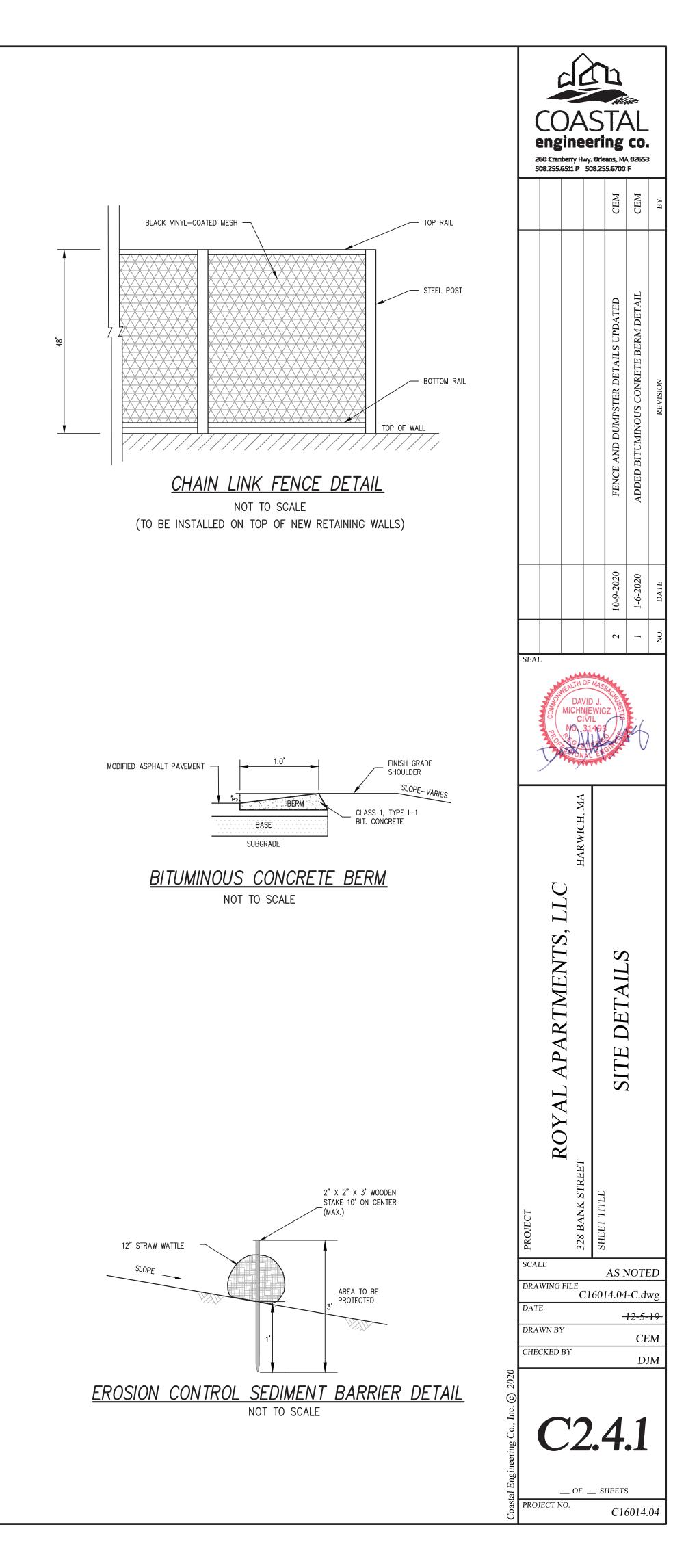
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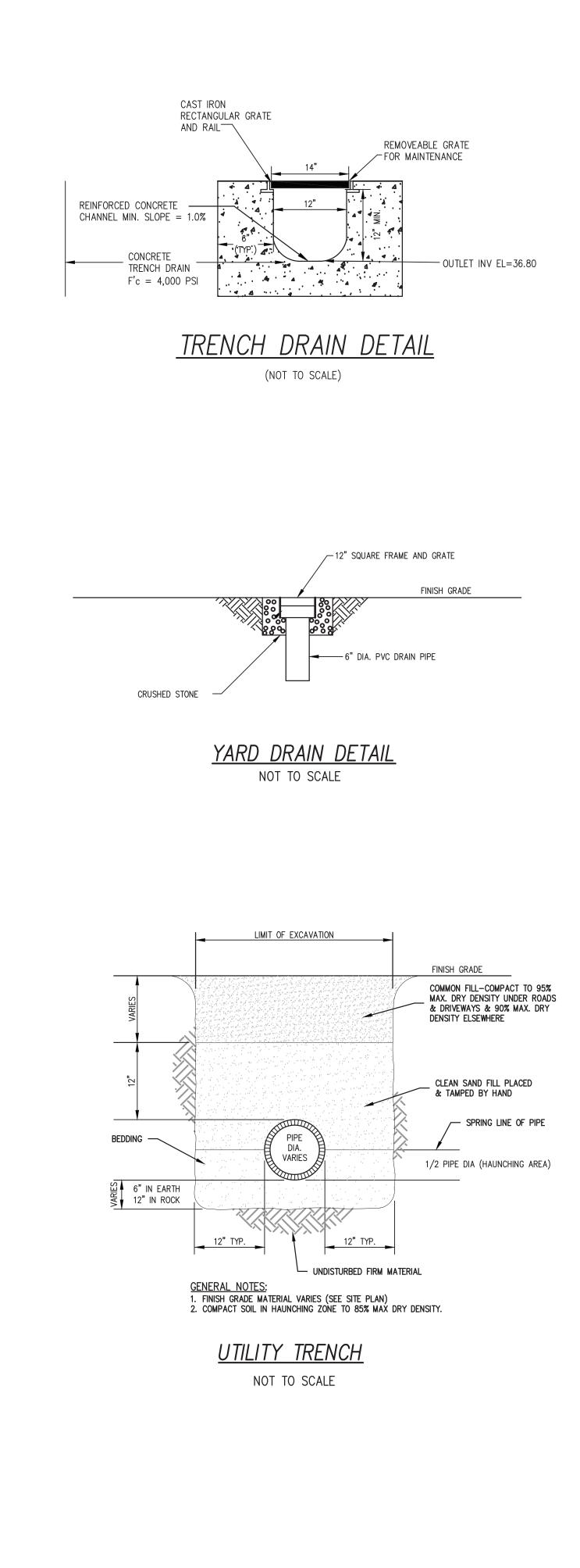
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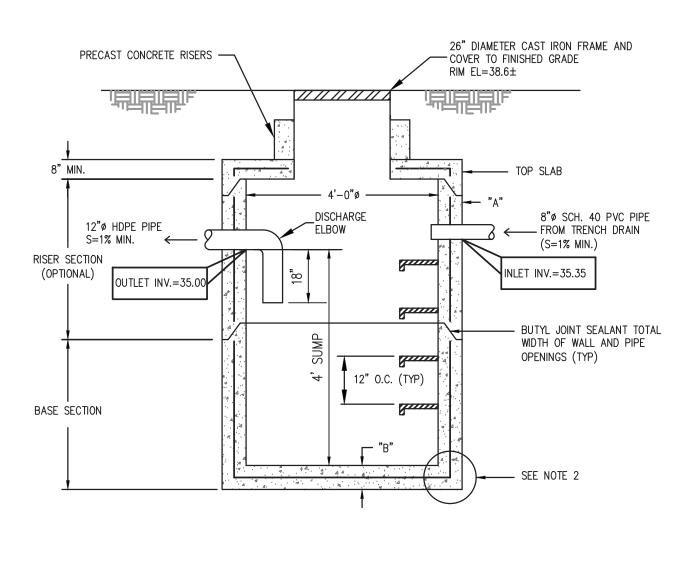
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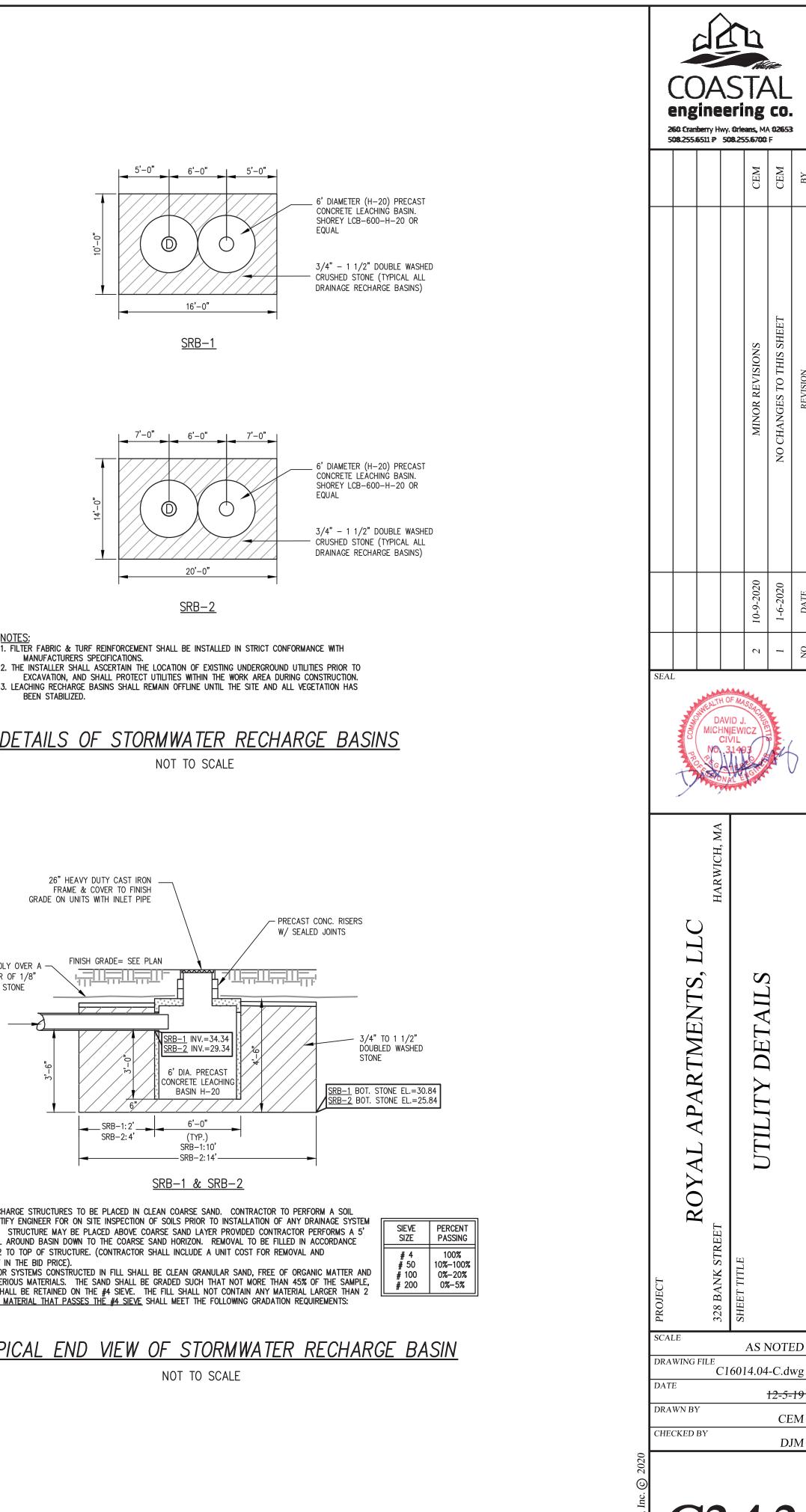


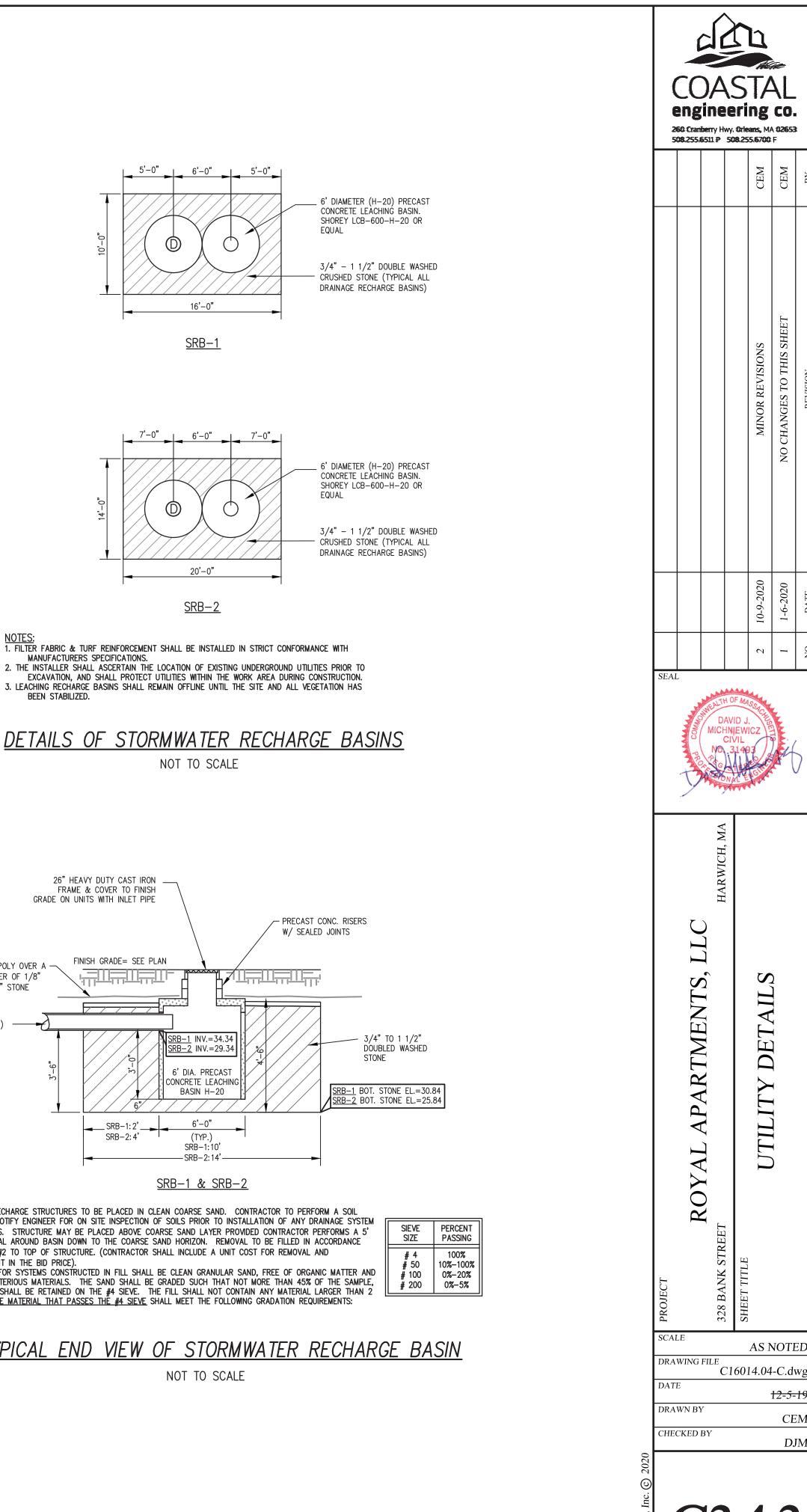


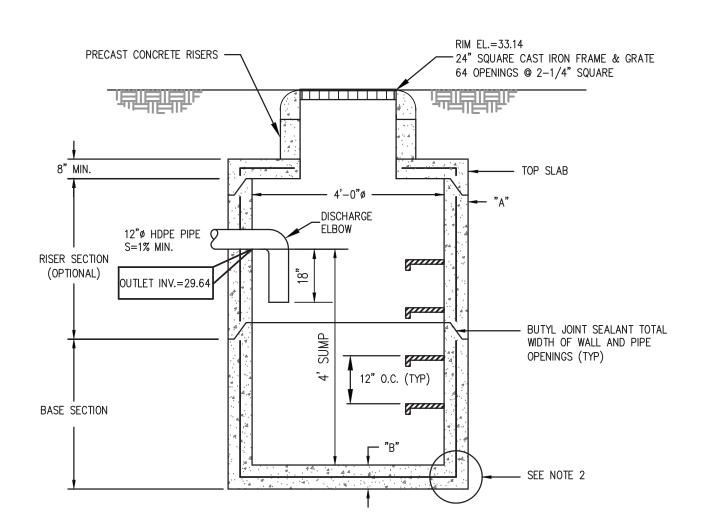
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GENERAL NOTES:

- 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.



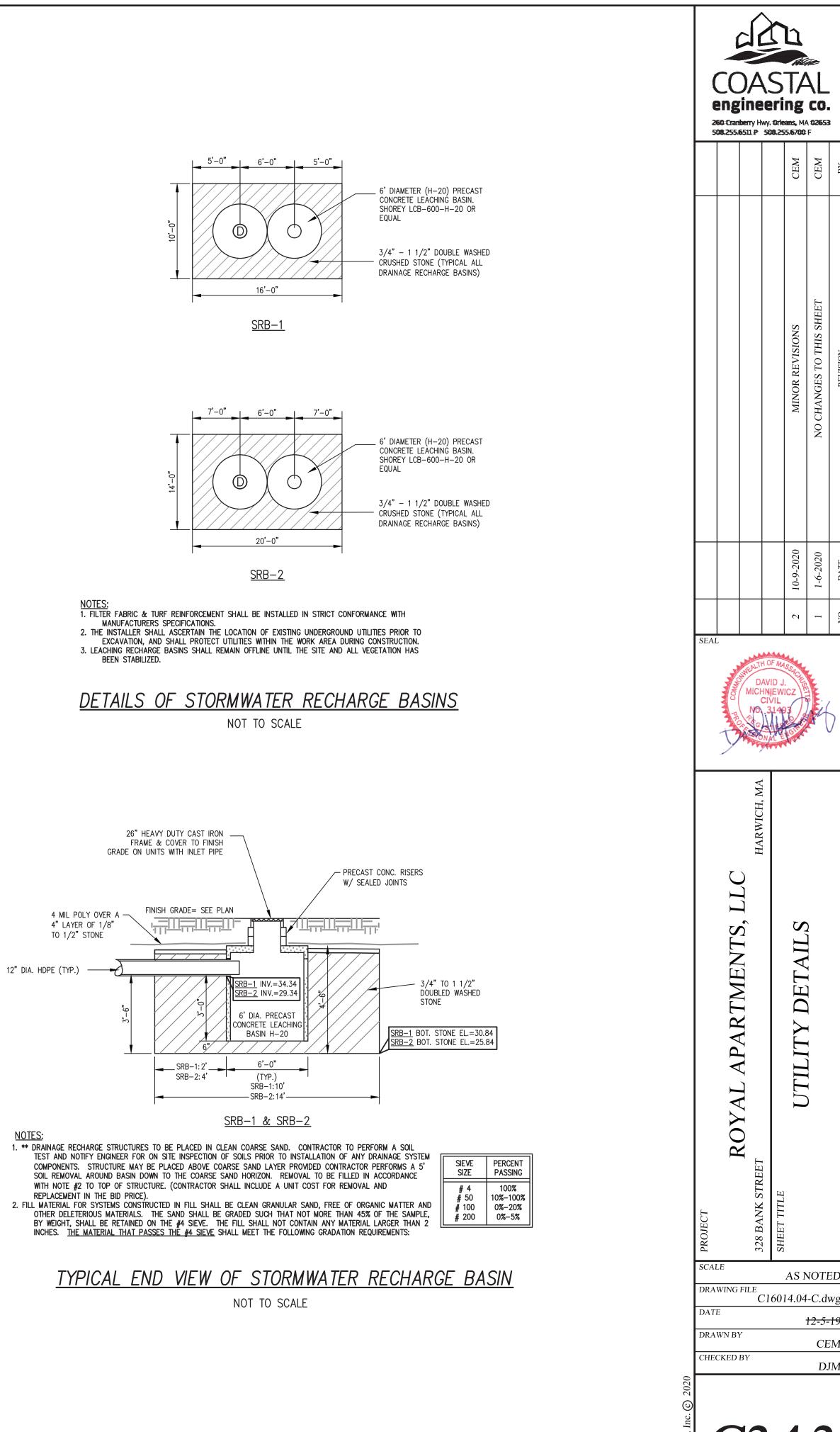




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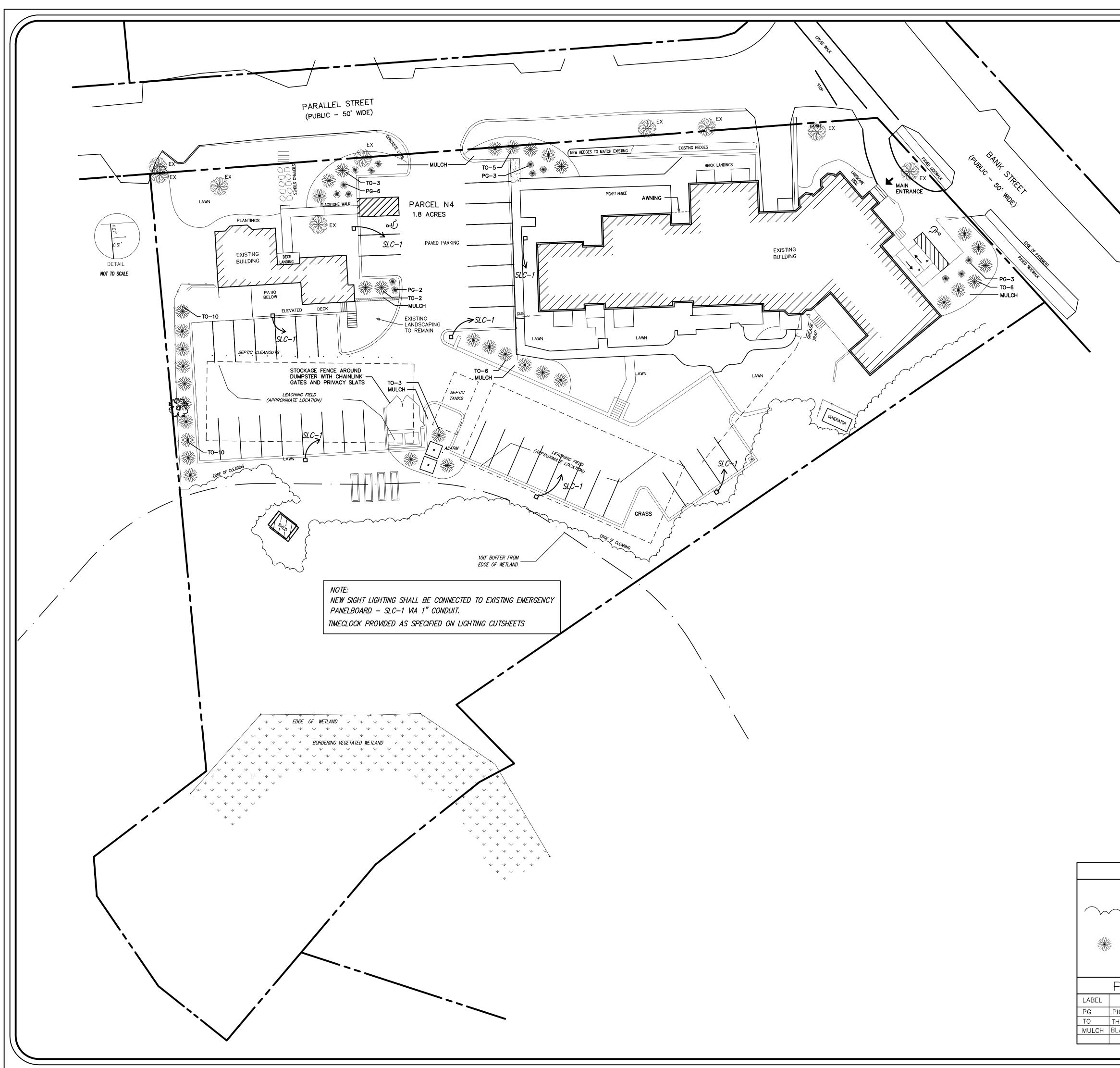
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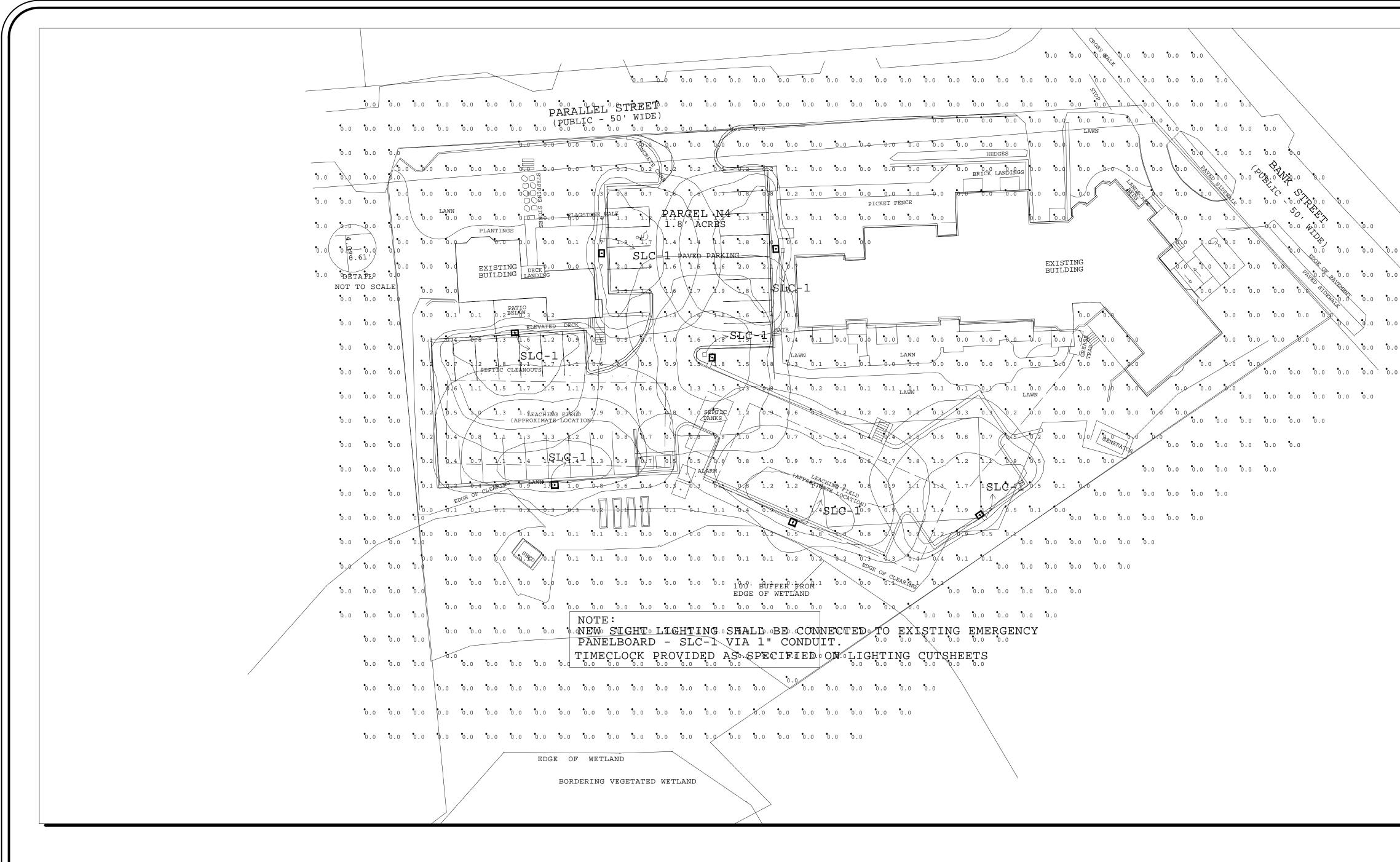


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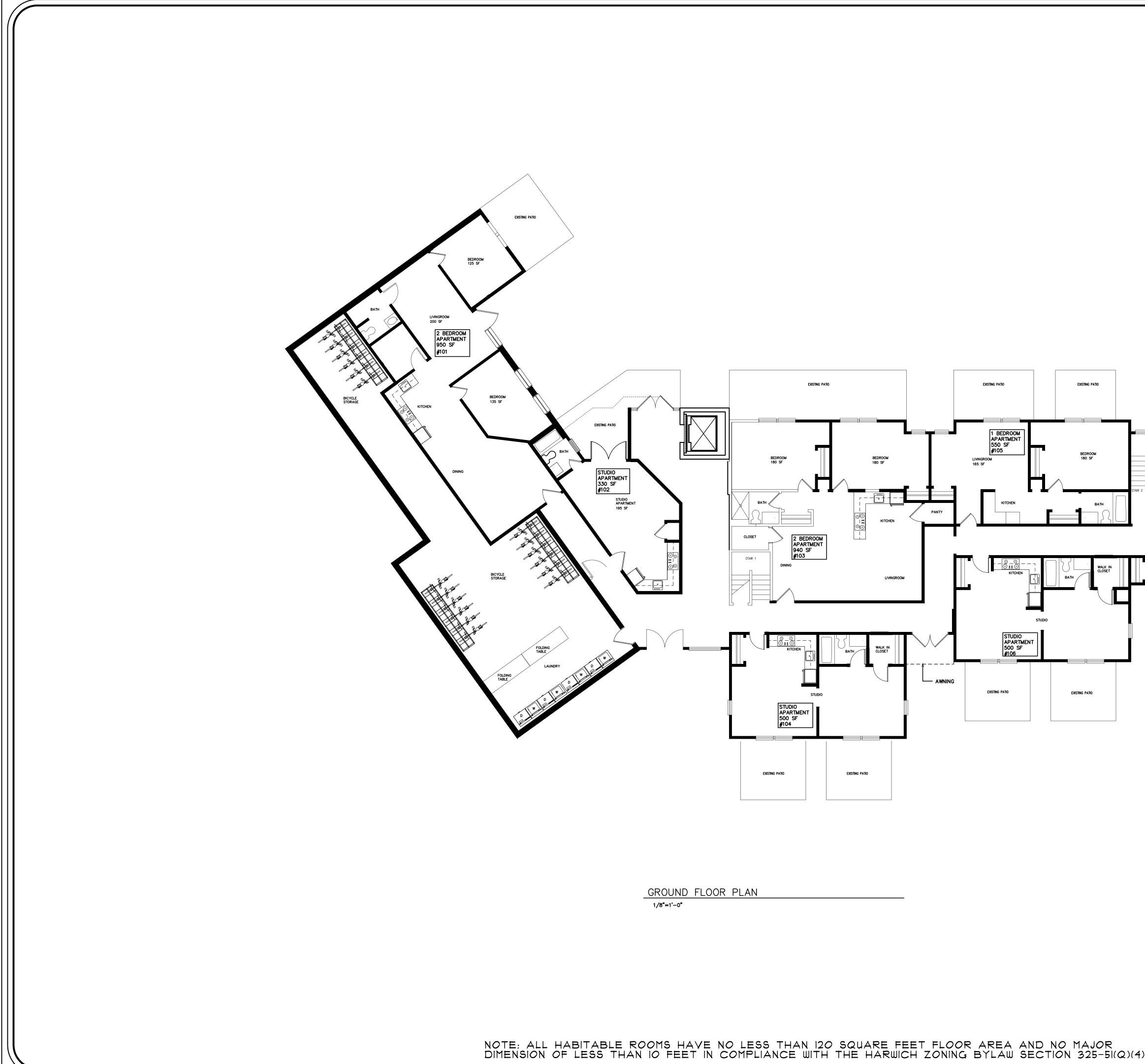
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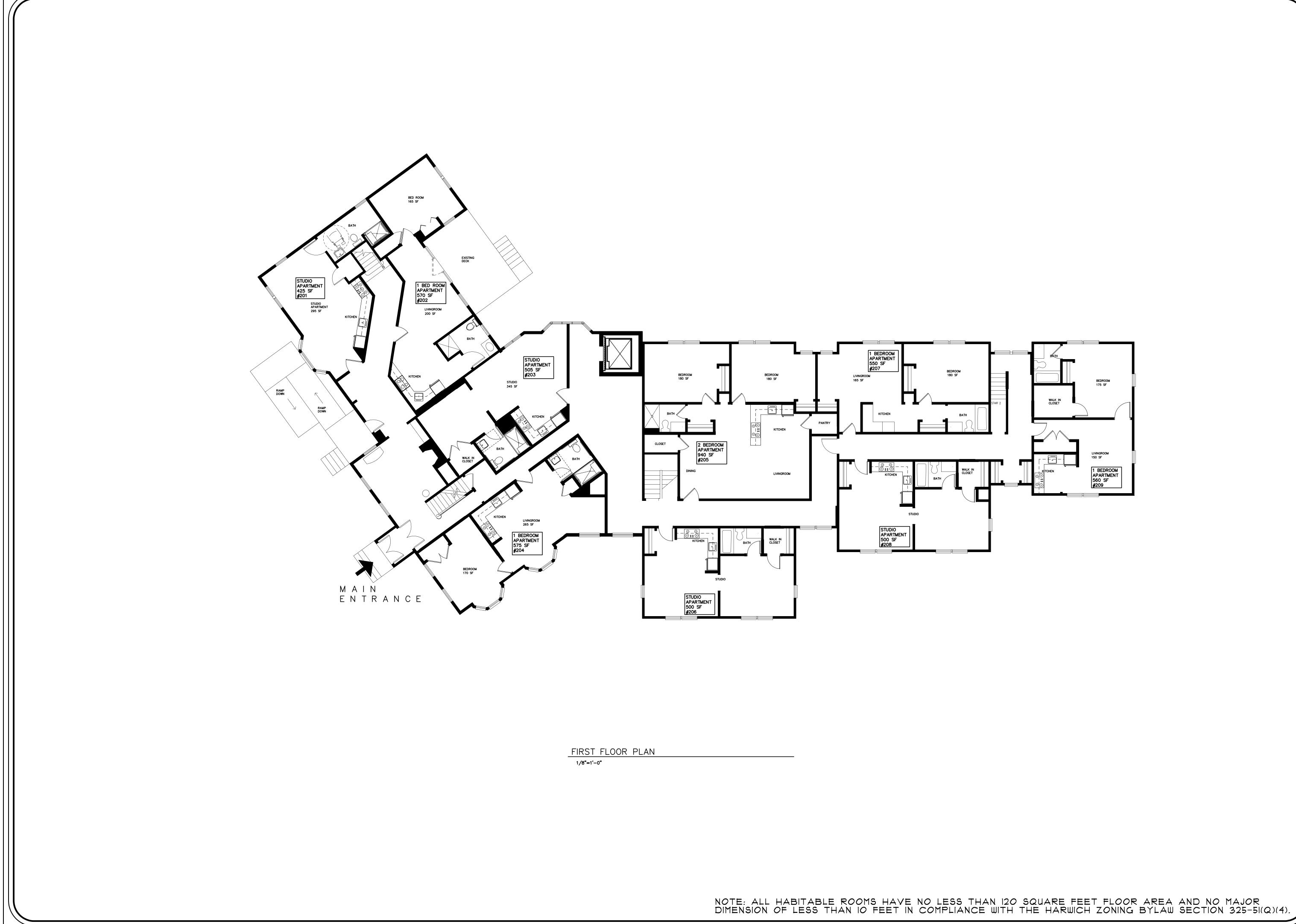
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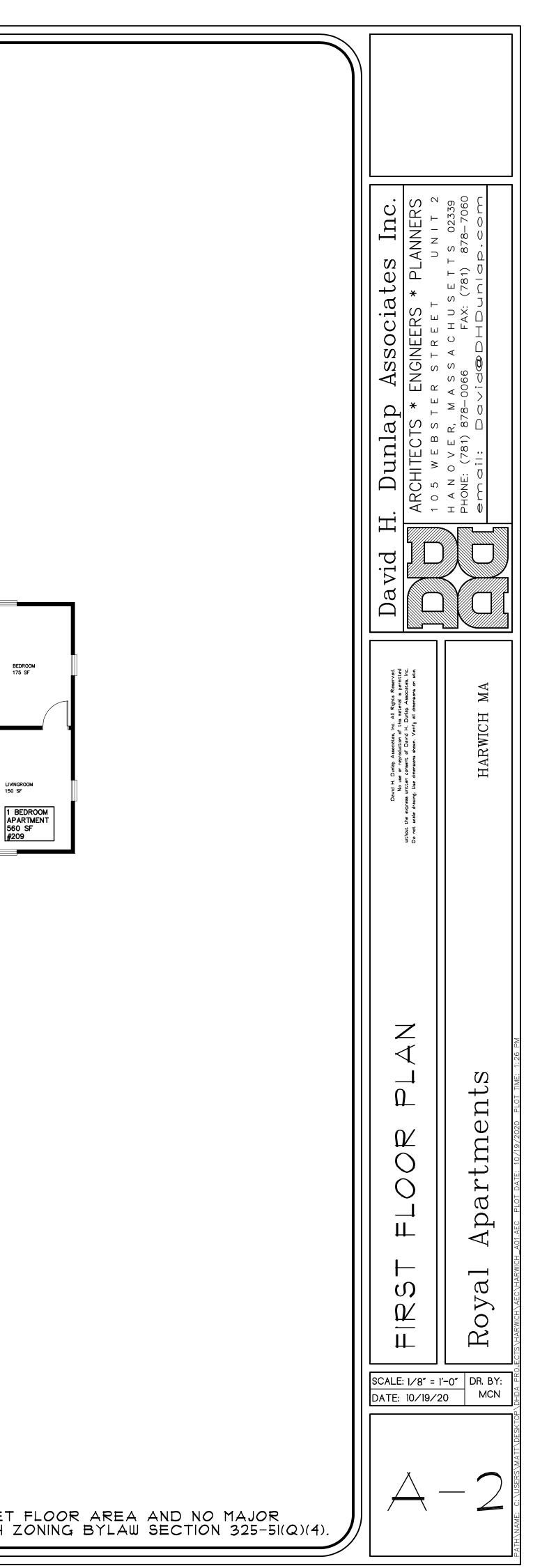
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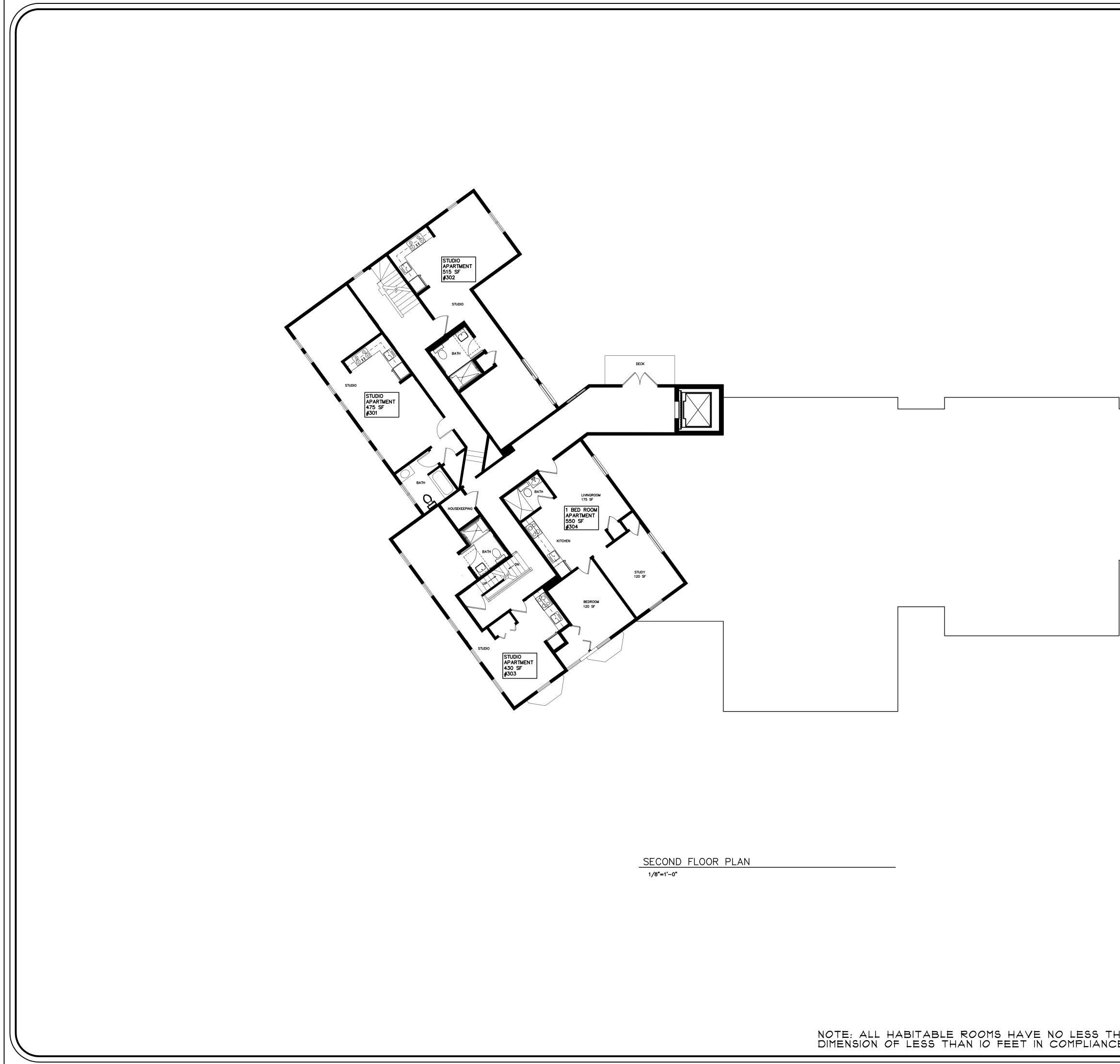


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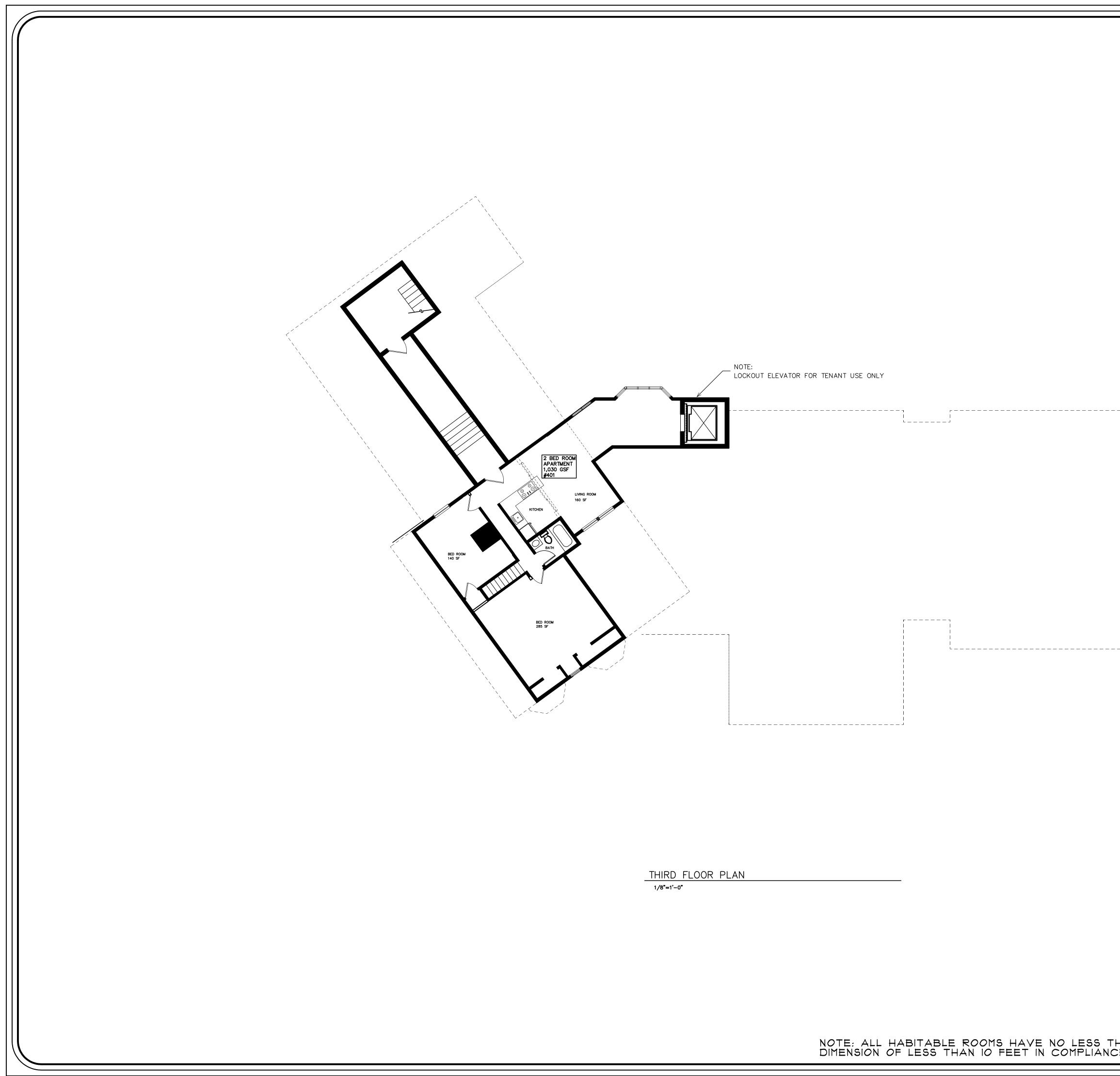






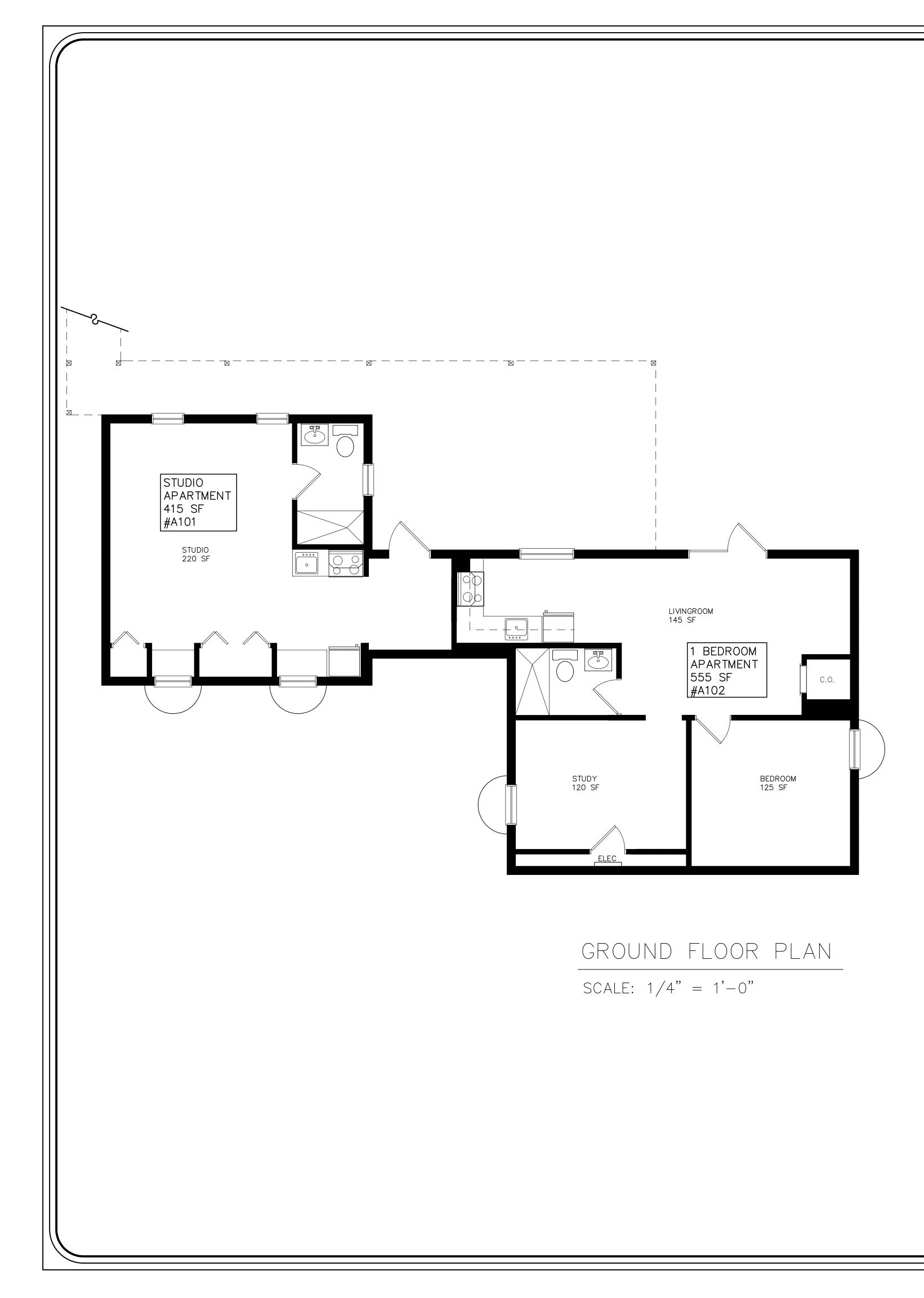


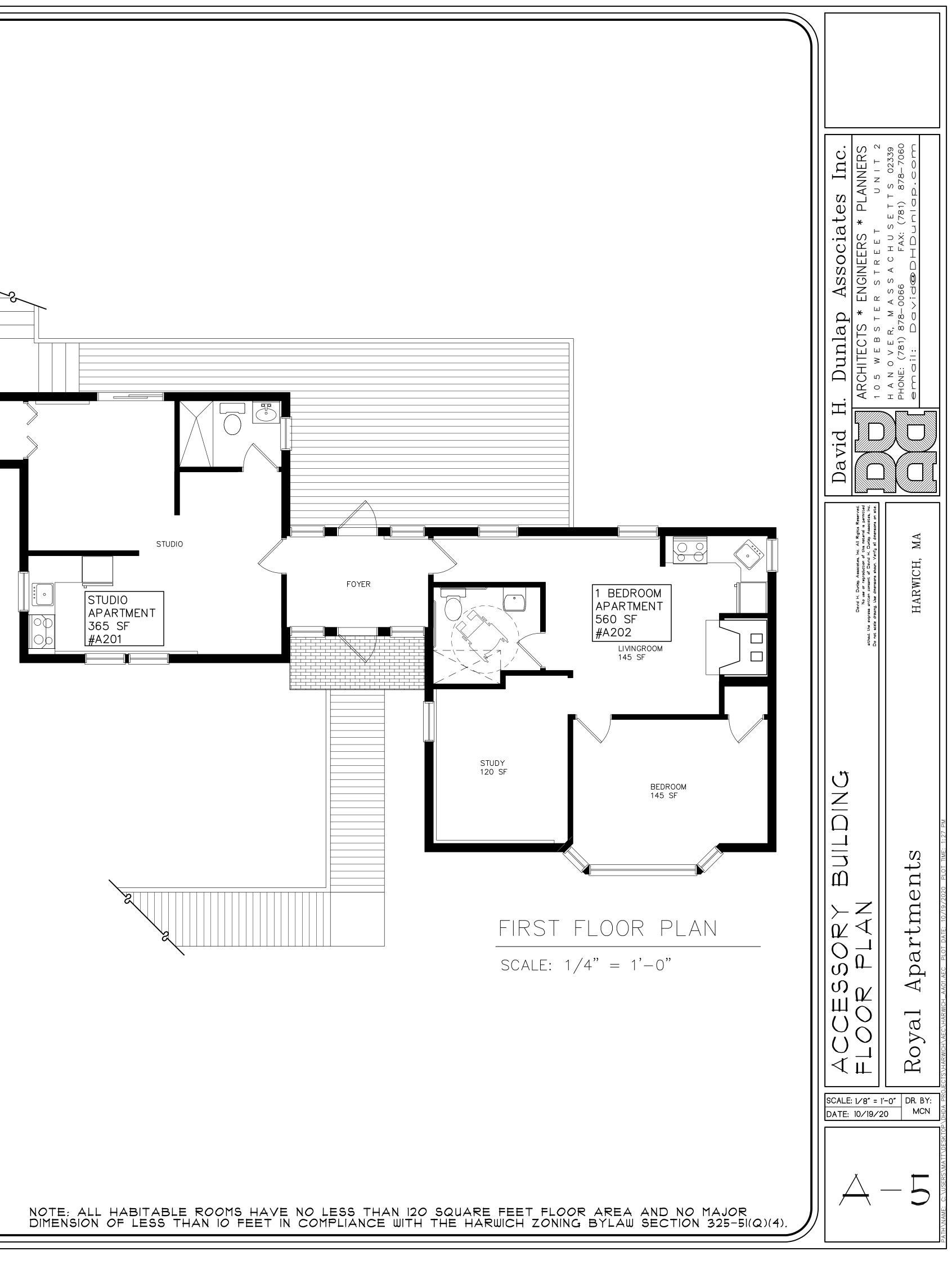
HAN 120 SQUARE FEET FLOOR AREA AND NO MAJOR E WITH THE HARWICH ZONING BYLAW SECTION 325-51(Q)(4).			
	David H. Dunlap Associates, Inc. All Rights Reserved. No use or reproduction of this material is permitted without the express written consent of David H. Dunlap Associates, Inc. Do not scale drawing. Use dimensions shown. Verify all dimensions on site.	David H. Dunlap Associates Inc. ARCHITECTS * ENGINEERS * PLANNERS	
	HARWICH MA	Х, МАЅЅАСНUЅЕТТ 878-0066 FAX: (781) David@DHDunla	



NOTE: ALL HABITABLE ROOMS HAVE NO LESS TH DIMENSION OF LESS THAN 10 FEET IN COMPLIANCE

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		David H. Dunlap Associates, Inc. All Rights Reserved. No use or reproduction of this material is permitted without the express written consent of David H. Dunlap Associates, Inc. Do not scale drawing. Use dimensions shown. Verify all dimensions on site.	HARWICH MA
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A Stormwater Report was also filed with this application, but not included in this on-line packet due to the size and length of the document.

Please contact the Harwich Planning Office, 508-42-7511 or <u>ebanta@town.harwich.ma.us</u> to request a copy of the PB2020-26 Royal Apartments Stormwater Report.

From:	andrea aldrovandi <nanster88@gmail.com></nanster88@gmail.com>
Sent:	Wednesday, February 3, 2021 11:17 AM
То:	Charleen Greenhalgh
Cc:	Elaine Banta
Subject:	ROYAL APT. PROPOSAL

Dear Charlene Greehalgh, Elaine Banta and Planning Board Members,

My name is Andrea Aldrovandi and I live at 279 Bank St, in Harwich. I would like this letter to be read aloud and to be part of the record.

I am writing to express my disappointment with the last Planning Board Meeting for case #PB 2020-26. Concerns expressed in community letters were summarized but no attempt was made by either the Planning Board or any representative of the Royal Apartments LLC to address those concerns. The majority of the letter writers concurred that a multi-family use of the Royal would be acceptable but ONLY if the number of units proposed is modified for a lesser number of units.

The Royal Apt. proposal is NOT for affordable housing but for market rate housing.

My main concerns and those of the Bank St. Community in general are the number of people and the number of cars squeezed onto an acre and one half of land. The concerns are the density of the proposed number of units and inhabitants, the number of parking spaces needed, traffic, ground pollution close to a wetland, maintenance of the building and absence of a manager. These concerns have not been addressed and as a tax paying citizen of Harwich, I find this completely unacceptable.

In addition I would like to point out that 6 of the studios and 7 out of 8 of the one-bedroom units are substandard per HUD recommendations for square footage. Charging market rates for substandard housing is unconscionable.

This is our town and I respectfully ask that the Planning Board and the Royal Properties LLC not only address these concerns but move forward to decrease the number of units in the proposed Royal Properties LLC

Thank You

Andrea Aldrovandi

From:	Ken Birtwell <kenbirtwell@comcast.net></kenbirtwell@comcast.net>
Sent:	Thursday, February 4, 2021 4:04 PM
То:	Charleen Greenhalgh
Cc:	Elaine Banta
Subject:	Royal Apartments

To Charleen Greenhalgh, Elaine Banta and members of the Planning Board.

I would like to reiterate my concerns regarding the proposed Royal Apartments. I had mentioned pedestrian and traffic safety, fire safety and parking in my letter of November 13, 2020. A 26 unit apartment building would have an impact on all of those with such an extreme increase in density on that small parcel of land.

This also has the potential to be magnified even more during the summer months with the addition of guests of the renters.

I would like this letter to be made part of the public record.

Thank you Ken Birtwell 297 Bank Street

Charleen Greenhalgh

From:	Contact form at Harwich MA <cmsmailer@civicplus.com></cmsmailer@civicplus.com>
Sent:	Tuesday, February 9, 2021 5:55 PM
То:	Charleen Greenhalgh
Subject:	[Harwich MA] The Royal (Sent by Mary Moody, moodyfarmhouse@yahoo.com)

Hello cgreenhalgh,

Mary Moody (<u>moodyfarmhouse@yahoo.com</u>) has sent you a message via your contact form (<u>https://www.harwich-ma.gov/users/cgreenhalgh/contact</u>) at Harwich MA.

If you don't want to receive such e-mails, you can change your settings at <u>https://www.harwich-ma.gov/user/496/edit</u>.

Message:

Dear Miss Greenhalgh

I live across Bank Street from the proposed expansion of the Royal. We moved to Harwich from the bustling ever expanding town of Newport Rhode Island. We found as we grew older we needed a kinder, gentler community that kept the interests of the older population a priority. We love Harwich and find great ease of living and comfort in the antique home we live in which has been in Dr Moodys family since 1775. We have been here through the variety of iterations of the Royal. They were great neighbors for us and we hope vice versa. We also loved Harwich for all their out reach with conservation of public lands, maintenance of walking and biking trails and the recycling at the transfer station which was always on the venue for summer visitors to see. We felt our interests were protected by the town fathers and mothers.

I was saddened to hear of the lack of transparency with waivers of zoning ordinances, conservation, and and density restrictions the surround the whims of an out of state developer who wishes to come in and foundationally change our developing town center that had so much promise. The expansion of housing and parking would be deleterious to both individuals who would be crammed into undersized units and paarking that would certainly feed into bottle neck jams entering route 39 from Ban and South and exiting Parallel onto South and BankSt. Neither Bank and South have sidewalks which is in itself hazardous to more populated walkers, runners, and bikers.

Initially I heard the undercurrents of the need for affordable housing but hat does not seem to be on the developers radar and with the addition of several other structures around Harwich their seems ample housing. Finally my biggest worry is that by setting the precedent of allowing waivers to be made for any one wishing to make a profit knowing in advance there are restrictions to a prperty's development is setting a bad practice. It can and will lead to out of control development which would cetrainly spoil beautiful Cape Cod. Mary Moody

From: Sent: To: Cc: Subject: Marla Menzies <ccmmenzies@gmail.com> Tuesday, February 2, 2021 5:09 PM Charleen Greenhalgh Elaine Banta The Royal Apt. proposal

Sent from my iPhone

To Charleen Greenhalgh, Elaine Banta and members of the Planning Board.

I am Marla Menzies and I reside at 321 Bank St. across the street from the Royal. I would like to request that my letter be read aloud and be made part of the public record.

I am writing to express my profound frustration with the direction of the last Planning Board meeting for Case # PB 2020-26 The Royal. Chairman Berry summarized the concerns expressed in the community letters, but no attempt was made by the Planning Board members or representatives of the Royal Apartments LLC to address these concerns. What Chairman Berry did not mention, was that a majority of the letter writers concur that a multi-family use for the Royal would be a good fit only if the number of units is modified downward.

Instead, the January meeting devolved into a referendum on affordable housing. However, The Royal Apartments proposal is for market rate apartments. Repeat, market rate apartments. Affordable housing is not part of the Royal Apartments proposal. There were a few participants at the last meeting who applied "affordable" to The Royal Apartments and that is incorrect.

The two biggest concerns of our community continue to be the number of people and the number of cars squeezed onto an acre and a half of usable upland, the remainder being wetland.

My challenge to the Planning Board is this; If 43 cars and 43 plus people applied to live on the lot next to you, you too would raise questions and concerns about density, parking, maintenance, absence of a manager, pollution (ground, light and noise), vehicle and pedestrian hazards, and you would expect these concerns to be addressed by the developer and/or your town government. But no attempt by the Planning Board or representatives of the Royal/Newman Properties to address these issues or indeed be a "good neighbor" has been forthcoming. My hope is that that will change.

It is worth noting that the Office of Housing and Urban Development (HUD), under section 6B of the United States Housing Act 2020 set standards for modest but decent housing as follows:

0 bedroom (studio) 500 sq. ft.

1 bedroom. 700 sq. ft.

2 bedroom. 900 sq. ft.

I would like to note that 6 of the studios and 7 out of 8 of the one bedroom units fall below the square footage deemed modest but decent housing by HUD. That is half of the 26 proposed units are substandard in regard to square footage. For the Royal Apartments to charge market rate prices for apartments smaller than the HUD recommendations borders on unethical.

Planning Board members, this is your town, we are your constituents, we have legitimate concerns about parking and density that need to be addressed regarding the proposed development of the Royal Apartments LLC.

With proposals by Stone Horse LLC to convert already built dorms into 22, 1 bedrooms, and with more affordable housing land being considered in the pipeline, there may be less pressure to push forward such a high density project on too small of a piece of land, and create room to negotiate a reduction in density with The Royal Properties LLC.

Respectfully submitted, Marla Menzies

From:	Kip O'Neill <croneill@oacpc.com></croneill@oacpc.com>
Sent:	Thursday, February 4, 2021 3:20 PM
То:	Charleen Greenhalgh
Cc:	Elaine Banta; Chib
Subject:	Royal Apartments Opposition

Dear Mmes. Greenhalgh and Banta

We wish to join the ranks of our neighbors and concerned citizens in strong opposition to the Town Planning Board or other entities permitting the requested variance or a possible zoning amendment that would allow up to 26 apartments and increase of parking from 14 to 43 parking spaces at the Royal. There are a host of serious problems associated with this proposal, most notably, the possible environmental harm done to the abutting conservation area. This property is far too small at 1.8 acres to accommodate the density being requested. It leaves no green space as a buffer in any given direction. As we said before in an earlier communication, the traffic problems already associated with Harwich Center, Bank and Parallel Sts. need to addressed and alleviated before any decisions on the Royal should even be considered. Adding considerably more traffic congestion should be a non-starter for this neighborhood.

We thank you for your consideration of our views and request that they be considered as part of the record of the proceedings on this matter.

Sincerely,

Christopher & Stephanie O'Neill 243 Bank St. Harwich

Sent from a mobile device, please excuse brevity or typos.

John and Diane Rinkacs 316 Bank Street Harwich, MA 02645 (774)237-9983 Rinkacs@Comcast.net

Ms. Charleen Greenhalgh Ms. Elaine Banta Harwich Planning Board 732 Main St. Harwich, MA 02645

Dear Ms. Greenhlagh and Ms. Banta,

My wife Diane and I own property that abuts and shares a property line with 328 Bank St., the site of the proposed Royal Apartment development that will be discussed at the Planning Board meeting on February 9, 2021. We request the following letter be read aloud at the meeting and entered in the meeting record. We specifically request that our concerns not be summarized in a memo with other concerned abutters as was done at the January 12th meeting.

We would like to make it clear that the proposed development is not, as proponents stated in the meeting on January 12, 2021, affordable housing, low income housing, workforce housing, or any other type of housing that suggests it will satisfy a need for affordable housing. This property is being developed as a for-profit multi-family unit with the goal of maximizing occupancy density for the sole purpose of maximizing developer profits. The waiving of any zoning regulations serves one purpose and one purpose only and that is to allow a developer to squeeze in as many units as possible to maximize his profit and return on investment. Based on the proposed rents it is very unlikely that those that are in need of housing, as stated by proponents of this project, will be able to afford to live in these units.

We would like to make it clear that we are not opposed to a multi-family dwelling at 328 Bank St and we look forward to the building being developed and occupied at a lower density than what is being currently

proposed. The planning board should not grant any further variances and should ensure that this property is developed within the current by-laws and guidelines.

Newman properties purchased this property at 328 Bank Street with full knowledge of the town's zoning by laws, pushed through drastic changes at a town meeting, during a pandemic. Even with the zoning changes approved during the fog of a pandemic, they are still requesting further accommodation. We DO NOT want to see a for profit entity manipulate the town agencies to once again change the town by-laws to accommodate their for-profit business. We want to see the same green space requirements in this proposal be the same as the recent project in the Harwich Town Center (Patel's Store). We want to see the project plan for screening of light and noise from 328 Bank St. to all adjacent properties. In addition, we would like to see a plan as to how the Town of Harwich will address overflow parking in the neighborhood as a result of maximizing occupancy density at 328 Bank St. Will street parking be banned or will cars be allowed to park on Parallel and Bank Street? There will certainly be a negative impact on neighbors in this regard and we want assurances that the Planning Board will look out for our interests in this regard.

The Town of Harwich must not waive existing Green Space and Parking requirements for the sole purpose of maximizing the profits of Newman properties to the detriment of Harwich residents. For Newman Properties to continue this project they must reduce the occupancy density of this project to comply with existing regulations.

Again, we request that this letter be read aloud and entered into the Public Record.

Thank-you.

Sincerely,

John and Diane Rinkacs

From:	Donna Whiting <donna.whiting@comcast.net></donna.whiting@comcast.net>
Sent:	Tuesday, February 2, 2021 8:11 PM
То:	Charleen Greenhalgh; Elaine Banta
Subject:	Royal Apartments

TO: C Green and E Banta,

With regard to the proposed Royal Apartments: while we completely agree that affordable housing for the town of Harwich is necessary, we are greatly concerned that the proposed construction on Bank and Parallel Streets is NOT affordable housing, rather FOR PROFIT.

With the construction of multiple apartment dwellings, the increase of vehicles not only for residents but their guests and the many aspects that go along with 26 apartments in a small area the configuration like atmosphere of our Village will be lost. We are concerned with the increase in traffic issues, the accumulation of litter as we have seen a marked increase of lottery tickets as well as alcolhol bottles on both Bank Street as well as Parallel Street.

In closing we wish to register our displeasure with this proposed apartment proposal.

Ken & Donna Whiting

STONE & REID

ATTORNEYS AT LAW A PROFESSIONAL ASSOCIATION * SOUTH YARMOUTH PROFESSIONAL BUILDING 1292 ROUTE 28 SOUTH YARMOUTH, MA 02664-4452 TEL (508) 394-5648 FAX (508) 398-1699

DAVID S. REID, ESQ. DSReid@verizon.net MICHAEL F. STONE, ESQ. MFStoneEsq@comcast.net

February 5, 2021

Harwich Planning Board 732 Main Street Harwich MA 02645

RE: Royal Apartments PC 2020-26

Dear Chairman Berry and Board Members,

I write to you regarding the matter of the Royal Apartments, of 328 Bank Street, Harwich Center, which is scheduled for further hearing on February 9th. As you will recall, I represent the abutting property owners, Gregory Winston and David Plunkett, of 109 Parallel Street.

When this matter was last before you, on January 12th, you requested an opinion from Town Counsel regarding your authority to waive parking lot set back requirements in order to satisfy the density formula for a multi-family housing project. We are informed, through the Town Planner's Report, that Counsel has concluded that you do have such authority. However, the written opinion of Counsel has not been made available to the public, so we are uninformed as to how she reached this conclusion.

It is impossible for me to prepare a rebuttal to that conclusion without the benefit of the reasoning and analysis undertaken by counsel. We do not know exactly what question was asked of her, nor what additional information was provided to her for her analysis. In the absence of such opportunity, I ask that you consider my email to the Board and counsel of January 22, 2021 (additional copy attached). Until proven wrong, I continue to disagree with the conclusion that the Board may waive the setback requirement, in order to permit otherwise non-

conforming spaces to count toward the density calculation.

Even assuming that you have that authority, we continue to question the wisdom in doing so. The Town very recently passed the new multi-family housing bylaw, with the generous density formula, limited only by the site's ability to contain a conforming septic system and conforming parking sufficient to accommodate the proposed housing. Now, in what is likely the first application to seek approval under this new bylaw, the applicant seeks a waiver of compliance with such parking lot design limitations, in order to permit their site to contain more parking than would otherwise be allowed, and therefore to justify greater density than the bylaw envisioned. We respectfully suggest that the Board ought not deviate from the bylaw's standard, and permit the creation of excessive unit density, which has been so vehemently opposed by the neighborhood which would be forever encumbered by it.

We also wish to remind the Board of other issues raised by the neighborhood in the prior hearing, which are not addresses by the staff report and therefore was presumably not addressed by Town Counsel's opinion. We previously argued that notwithstanding the special permit provision for multifamily housing, this particular project still needs zoning relief from the Board of Appeals:

Chapter 40A section 6, dealing with pre-existing non-conforming structures and uses, provides that, when such a structure is proposed to be altered "to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner", that alteration and change can only be made with the approval of the Board of Appeals if it finds that the change would not be substantially more detrimental to the neighborhood. Even a change to a conforming use, within such a non-conforming structure, requires this review and approval as the structure itself remains non-conforming. And "Alteration" does not necessarily require an expansion or structural change. The applicants propose to substantially alter the interior of the structure, by, among other things, converting bedroom units to full apartments/ living units, adding kitchens to every one of them. The use as multi-family housing is substantially different than the previously approved assisted living facility. To the best of our knowledge, the applicant has not applied for this relief.

In addition, Bylaw section 325-54 (7) (b), provides that alterations of "other structures" (i.e. other than one- and two-family homes), may be made provided the alterations themselves conform and provided the only non-conformities are the

size of the lot, its frontage, or existing structural encroachments into setbacks. "All other nonconforming structures shall require a variance from the Board of Appeals pursuant to MGL. c. 40A §10 for any alteration/extension or reconstruction."

The other non-conformities existing in this structure include the Height of the structure (43' 2"), the number of habitable stories (3) [the third existing by variance #83-39], the presence of a second kitchen, curb cuts in close proximity to its adjoining intersections, parking spaces too close to the street lines and lot lines, etc. As such, this property does not qualify for the by-right alterations sought, but must first seek a variance from the Board of Appeals.

For these reasons, and for all the reasons expressed by the neighbors about the adverse impact such a change would force on them and their neighborhood, we ask you to deny this application.

,

Respectfully submitted,

David S. Reid

* Each Attorney in this office is an independent practitioner who is not responsible for the practice or liabilities of any other attorney in the office. Rule 7.5 (d)

David S. Reid

From: Sent: To: Cc: Subject: Attachments: David S. Reid [dsreid@verizon.net] Friday, January 22, 2021 9:23 AM 'Benjamin E. Zehnder'; 'Charleen Greenhalgh'; 'Amy E. Kwesell' 'Elaine Banta' RE: The Royal image001.jpg

Charleen,

To you, the Planning board, and Attorney Kwesell,

I feel the need to reply to attorney Zehnder's email below. My letter that he references addressed the issue of whether the Board could waive parking lot set back requirements under the Harwich Center Overlay District bylaw. Attorney Zehnder has now raised a separate issue, of whether that waiver can be achieved under the Board's authority within the Site Plan Review process.

To be perfectly clear, the real issue is whether the requirement of the new multi-family housing bylaw, paragraph 325-51 Q(5), can be circumvented by such a waiver under either of these other review procedures.

Paragraph 51 Q (5) states in relevant parts: "The number of multifamily dwelling units shall be determined by the ability to place ...required parking per number of units and landscaping on the site pursuant to Article IX Off-Street Parking and Loading Requirements".

I interpret this to mean that the maximum number of dwelling units is to be determined by the capacity of the site to contain parking spaces that conform to the requirements of Article IX. Its component parts demonstrate this intent.

- 1) The number of units allowed "SHALL BE DETERMINED", is obviously mandatory, not discretionary or mere guidance for the Board
- 2) By the ability of the site to contain the "REQUIRED PARKING". Not 'adequate parking', or parking deemed sufficient by the Board, but the 'required parking'.
- 3) The required parking "PURSUANT TO ARTICLE IX". Not in the judgment of the Board, nor pursuant to the determination of Site Plan Review, but pursuant to the provisions of Article IX.

Particularly relevant to this discussion is the requirement in Article IX that establishes the parking lot setback from lot lines at 50 feet. Some of the parking proposed at this site does not meet this requirement, and I contend those spaces therefore do not count toward the determination of the allowed density, because they are not conforming to the requirements of Article IX.

The drafters of the bylaw could have provided more flexibility if they intended to do so. They could have referenced Site Plan Review as the guidance for the density calculation. But they did not. The Bylaw creates this formula for determining density in a multi-family development, tied directly to the parking and loading bylaw. For the Board to use its flexibility under site plan review to undercut this formula, and allow greater density than their own bylaw provides, subverts its clear intent. Granting relief from the very criteria that established the threshold for this new special permit is not appropriate, at least not without a variance from the ZBA.

These different provisions of the bylaw may be reconcilable, however. It is conceivable that the Board could permit these parking spaces to exist, as proposed, under its ability to waive certain provisions of the parking bylaw within Site Plan Review. However, those particular extra spaces would still not count toward the density computation of section 50 Q(5), since they are not conforming spaces under Article IX. Only the spaces that do conform would be factored into the density calculation for the multi-family housing special permit.

Thank you for your consideration.

David S. Reid, Esq. 1292 Route 28 S. Yarmouth MA 02664 508-394-5648

From: Benjamin E. Zehnder [mailto:BZehnder@latanzi.com]
Sent: Thursday, January 21, 2021 9:48 PM
To: Charleen Greenhalgh
Cc: Elaine Banta; David Reid (dsreid@verizon.net)
Subject: RE: The Royal

Hello Charleen and Elaine:

Following is my response to David Reid's January 4 letter to the Planning Board regarding the ability of the Planning Board to waive parking area setback requirements for the Site Plan Review and Special Permit applications for the Royal. I am sending this over so that you can provide it to Attorney Amy Kwesell in her consideration of the question:

1. Section 325-42, which includes the parking setback requirements referred to by David in Section 325-42(L) is prefaced by the statement: "Unless otherwise expressly authorized by the Planning Board through site plan review approval, all parking and loading areas shall be subject to the design requirements of this section."



- (c) A structure that continues along the same line as an existing encroachment without increasing that encroachment.
- (3) A single- or two-family residential structure is determined to be demolished and replaced if the area of the existing structure to be removed meets the definition of "demolition" in this bylaw.¹⁷
- (4) A lawfully preexisting nonconforming single- or two-family residential structure may, by right, be demolished and replaced with a new structure on the same site, provided that:
 - (a) The proposed new construction will conform to current setbacks and coverage for the zoning district in which the lot is located; and
 - (b) The nonconformance concerns the size of the lot in question and/or the frontage of said lot.
- (5) A lawfully preexisting nonconforming single- or two-family residential structure may, by special permit, be demolished and replaced with a new structure on the same site, provided that it is determined by the Board of Appeals that:
 - (a) The replacement of the structure will not be substantially more detrimental to the neighborhood than the existing structure;
 - (b) The replacement of the structure will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning district or Town;
 - (c) The replacement structure will not increase any of the following existing nonconformances: building coverage, site coverage, or setback encroachment;
 - (d) The replacement structure will reduce at least one of the following existing nonconformances: building coverage, site coverage, or setback encroachment; and
 - (e) The replacement structure may not increase the habitable square footage of the structure by more than 25% over the habitable square footage of the existing structure over a tenyear period beginning on the date of the issuance of the special permit by the Board of Appeals.
- (6) A proposal to demolish and replace a single- or two-family residential structure which will increase the nonconforming nature of the structure will require a variance from the Board of Appeals pursuant to MGL c. 40A, § 10.
- (7) Alteration or extension of other structures.

^{17.}Editor's Note: See § 325-2.

- (a) A preexisting nonconforming structure other than a single- or two-family residential structure may be altered or extended by right if the Building Official determines that it meets the following criteria:
 - [1] The proposed addition/extension will conform to current setbacks and coverage for the zoning district in which the existing structure and addition/extension are located; and
 - [2] The nonconformance concerns the size of the lot in question and/or the frontage of said lot and/or an encroachment of the existing structure.
- (b) All other nonconforming structures shall require a variance from the Board of Appeals pursuant to MGL c. 40A , § 10 for any alteration/extension or reconstruction.
- B. Nonconforming uses.
 - (1) Except for single- and two-family dwellings provided for in Subsection A(5) of this section, a lawfully preexisting structure, whether conforming or not, used for a lawfully nonconforming use may, by special permit, be changed, altered, or razed and replaced with a new structure on the same site, provided that it is determined by the Board of Appeals that:
 - (a) The replacement, alteration or change of the structure will not be substantially more detrimental to the neighborhood than the existing structure;
 - (b) The replacement, alteration or change of the structure will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning district or Town; and
 - (c) The replacement, altered or changed structure will be used for the same use or for a conforming use.
 - (2) In no case shall a nonconforming use be changed to another nonconforming use.
 - (3) Notwithstanding the provisions hereof, nonconforming uses, actual use of which has been discontinued for a period of two consecutive years, shall be conclusively presumed to be abandoned and thereafter shall not be reestablished, changed (except to a conforming use), or extended without a variance from the Board of Appeals.

§ 325-55. Site plan approval.

A. Purpose. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Harwich by providing detailed review of the design and layout of

From:	Tricia Murray <triciamurray1@gmail.com></triciamurray1@gmail.com>
Sent:	Wednesday, January 27, 2021 9:27 PM
То:	Elaine Banta; Charleen Greenhalgh
Cc:	gregoryywinston@gmail.com
Subject:	Proposed development for 328 Bank St.

Dear Members of the Planning Board,

I write to express my concern about the proposed development for 328 Bank St. My understanding is that the proposal calls for 26 units with 26 kitchens. However, the parking lot only accommodates 14 cars. Assuming only one car per unit, which is an extremely conservative estimate, that means 12 units would be without parking. Not to mention there would be no parking for visitors, service providers, staff and vendors. Presumably the overflow parking will spill into the library parking lot, thereby depriving the library patrons of parking and impeding library business.

I am also concerned about the addition of traffic to the already busy Parallel St. Many vehicles, including public safety vehicles, use Parallel St. as a "cut through" to avoid the congestion on Main Street. The residents of the proposed units, as well as their visitors, building staff and service providers will cause even more traffic on the small, side street.

Lastly, there are no planned green spaces for the project. Even more troubling are the failure to meet the 50' lot line setback and the plan to asphalt right to the edge of the conservation land. Why are the developers allowed to bypass these requirements?

I respectfully request the Planning Board deny the proposed development as it is presently conceived. Thank you for your consideration.

Patricia Murray 826 Orleans Rd. Harwich, MA 02645 <u>triciamurray1@gmail.com</u> 617.416.5601 Harwich Planning Board 732 Main Street Harwich Center. MA 02645

Dear Chairman Berry,

We are Ray and Jeanne Mongillo residents of 327 Bank Street Harwich. We are writing to express our concerns regarding the events of the recent Town Planning Board Meeting held via Zoom on January 13, 2021. Specifically, Case # PB2020-26 The Royal Apartments LLC.

We feel that our concerns regarding issuance of a Special Permits for Multifamily Use and the associated Site Plans failed to be fully addressed in that forum. To review, it was our understanding that the issues raised in our letter dated December 8, 2020, outlined several specific issues that would, in our opinion, result in a negative impact on the current neighborhood. Instead, we heard a long diatribe on the benefits of affordable housing. Please note, as stated in our previous letter, the need for affordable housing is moot and therefore we believe, should not be the primary focus of this hearing.

We believe the meeting objective requires reframing to clearly express what we believe to be the primary issue: "Is The Royal, located at 328 Bank Street, the appropriate venue for conversion to a multifamily dwelling including 23 apartments, housing a minimum of 43 residents." With a clearly defined objective, we can move forward with a fair process, that is not co-mingled with emotion, along with personal values, attitudes and beliefs.

We suggest the following outline and process to move forward:

- 1 Clearly defining the issue
- 2 What does the rule of law specifically reflect in relation the defined issue-
- 3 What is the analysis of the rule of law- Both attorneys in this case presented a compelling synopsis of their interpretation of the abovementioned rule of law. It is our understanding that an impartial third party must be retained to help untangle and settle this legal reasoning dispute.
- 4 Based on the above, and assigning weight to the many concerns voiced by the neighbors, arrive at a fair and equitable conclusion that serves both parties.

As an added note, we were pleasantly surprised to learn that during discussion of case PB2020-31 Main Street LLC, that there had been collegial conversations between Mr. Patel and his neighbors regarding his proposed generator installation. In contrast, as neighbors we have never been approached by or spoken to any person associated with The Royal. In addition, when the property was owned and managed by Gregg Winston, he kept us informally advised of any changes, updates or plans he made to the property. We were supportive of his efforts as he had gained our trust and confidence. This type of proactive outreach, results in the difference between becoming good neighbors or adversaries.

We are willing to submit under a separate cover, an updated list of our concerns regarding the negative impact this project may have on our neighborhood. We offer this so they may be adequately addressed at the upcoming Planning Board Meeting scheduled for February 9, 2021. We appreciate your consideration and concern and request this letter be read at this meeting and entered into the public record.

Thank you.

Sincerely,

Jeanne M. Mongillo RN BSN MPH

Raymond J. Mongillo

Charleen Greenhalgh

From:	MARY DEBLOIS <mannixdeblois@comcast.net></mannixdeblois@comcast.net>
Sent:	Sunday, January 31, 2021 8:28 PM
То:	Charleen Greenhalgh; Elaine Banta
Subject:	Harwich Planning Board, re: PB2020-26

RE: PB 2020-26 The Royal Apartments LLC, 328 Bank Street

Dear Harwich Planning Board:

I oppose this proposal as presented. But that being said, I would support this proposal if the number of bedrooms was 33% less: 20 bedrooms vs 30 bedrooms with no change in the 43 parking spaces.

There is no way to sugar-coat, traffic study or not. This proposal, as it stands, with 30 bedrooms, has the potential to house 60 drivers which could mean 60 cars -- and visiting friends with cars!

<u>This proposal will have a huge impact on the multiple nearby intersections and the</u> <u>neighborhoods.</u> This level of density on this small parcel of partially usable land is not appropriate for this site and it is not in keeping with the entire area.

Please, please listen to the neighbors' concerns as WE will be the most affected by this Board's decision. --- And please know that all those that I have spoken to are <u>very</u> happy to know that the Royal will be restored and used as multifamily housing, but voice the obvious that 30 bedrooms is <u>too</u> <u>many</u> for the location.

--- And 2 comments on relevant issues: 1) the affordable housing units. It was a nice gesture of the new owners to offer to set aside 3 units as affordable housing. In that regard, could the Board stipulate that the 3 units be 1 each: studio, 1 bedroom and 2 bedroom. This would guarantee that the 3 units would not be 3 studio units on the ground floor with a total square footage of less than 1000 sq ft. And 2) short term summer rentals. Could the Board stipulate that the owners prohibit tenants from using their units for short term summer rentals.

Thank you for your attention to my concerns. And I request that this email be made part of the public record. Additionally, since I cannot attend the Planning Board Meeting on February 9th, I request that my email be read aloud at the Meeting.

Respectfully,

Mary DeBlois 212 Bank Street Harwich Port

February 4, 2021 NEGEIVE 307 Bank Steet FEB 0 5 2021 508-432-4399 Dear Blanning Board Members Townof Harwich Ho we stated before, we feel the density of the proposal now by our as "The Royal" is too high. Parking required, being so high (possibly 2 cans per unit, questand handicapped spaces) is only one reason. Gluen the narrowness of, and lach of Sidewalks on Parallel Steet, any parking on the street should not be Considered. Again, we are not opposed to multiple resident housing but ARE concerned about the density in this rather small area. the wasterwater impact said project

-2will have on so little land. Because of their proximity to Grassy Pond the schools between Sisson Road and South Street, when reconfigured about 1990, were required to include an on-site wasternater treatment facility. That Achool property is flerther away from glassy Fond than is "The Royal" project. We trust that all members of the Planning Board will surously consider reducing the density of this proposed development.

Sincerely, Evelyn G. Tober

Memorandum from Charleen Greenhalgh, Interim Town Planner Town of Harwich

AGENDA ITEM III.D

February 16, 2021

To: Planning BoardFrom: Charleen Greenhalgh, Interim Town PlannerRe: PB 2020-33 – Main Street Stone Horse LLC

The applicant's representative has requested a withdrawal without prejudice of this application, please see the letter dated February 10, 2021 from Attorney William Riley.

The hearing will need to be reopened. The Board is not required to close the public hearing, but has been, so the following motions are suggested.

Motion 1:

Move to close the public hearing for PB2020-33 Main Street Stone Horse LLC.

Motion 2:

Move to allow for the withdrawal without prejudice of PB2020-33 Main Street Stone Horse LLC.

LAW OFFICES RILEY & NORCROSS, LLC

IB6 CROWELL ROAD - POST OFFICE BOX 707 CHATHAM, MASSACHUSETTS 02633 E08-945-5400 E08-945-4110 FAX Info@rileyandnoroross.com

WILLIAM F. RILEY JAMES M. NORCROSS

February 10, 2021

Duncan Berry Chairman Harwich Planning Board c/o Elaine Banta Town of Harwich 732 Main Street Harwich, MA 02645

11 305 16 FEB CLERK JUNH 10Mn 7

PLEASE REFER TO

FILE NO.

RE: Main Street Stonehorse LLC

Dear Mr. Berry:

On behalf of Main Street Stonehorse, LLC, I hereby request the withdrawal of our application currently scheduled for February 16, 2021, without prejudice.

Thank you for your attention to this matter.

Very truly yours, William F. Riley

Attorney for Main Street Stonehorse, LLC

HARWICH PLANNING BOARD HARWICH TOWN HALL - 732 MAIN STREET, HARWICH VIA REMOTE PARTICIPATION GoToMeeting.com TUESDAY JANUARY 12, 2021 – 6:30 PM MEETING MINUTES

BOARD MEMBERS PRESENT: Chairman, Duncan Berry; Vice-Chairman, Allan Peterson; David Harris; William Stoltz; Arthur Rouse; Mary Maslowski; and Craig Chadwick, were all present via remote participation.

BOARD MEMBERS ABSENT: Joe McParland.

OTHERS PRESENT: Charleen Greenhalgh, Interim Town Planner; Griffin Ryder, Town Engineer; Katie O'Neill; Noreen Kennedy; Peter Antonellis; Ben Zehnder; Alex Bardin; David Michniewicz; Jeanne Mongillo; Daniel Serber; Steven Clark; David Reid; Cyndi Williams; Gregory Winston; Dave Michniewicz; Brian Yergatian; Diane Rinkacs; Sheila Brennan; Daniel Ojala; Lawrence Brophy

CALL TO ORDER - 6:40 PM by Chairman Berry with a quorum present.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen or view this meeting while in progress may do so by logging in or calling in as specified above on this agenda.

PB2020-27 NextGrid, 0 Depot Road, Site Plan Review Special Permit

Representatives: Daniel Serber & Brian Yergatian

Chairman Berry re-opened the Planning Board portion of the joint hearing at 6:42 PM by reading the legal notice into the record. Daniel Serber of NextGrid, Inc. seeks a Local Stormwater Permit Application filed pursuant to the Town of Harwich Comprehensive Stormwater and Illicit Discharge Regulations to construct a ground mounted Photovoltaic Array with an accompanying stormwater management system. The property is located at 0 Depot Road, Map 64, Parcel S-1 and a continuance of the public hearing for PB2020-27 NextGrid, Inc., as applicant, Brian G. Yergatian, P.E., as representative, and Steven Clark, as owner, 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 property located at 0 Depot Road, Map 64, Parcel S-1 in the R-R zoning district. The property is only accessible via Mill Hill Road, Chatham. Hearing continued from 11/19/2020. The Planning Board Hearing was continued from 12/17/2020 to allow for this joint hearing with the Town Engineer.

Griffin Ryder, Town Engineer, began his portion of the hearing by explaining that the newspaper made a mistake publishing the notice, and his portion of the hearing will be continued to January 19th at 10 AM. He stated that he is acting as the Storm Water Authority and Permitting Agency. Abutters have been notified, and instructions for meeting login will be posted.

Daniel Serber and Brian Yergatian presented the application to the Planning Board. The sites topography makes this an ideal site for solar. The proposal presents a less impactful use than the existing one. Current on-site use and vehicle trips of are estimated at approximately 40 a day, or about 12,400 a year. The proposed use would result in only about 4 vehicle trips a year. There will not be an impact from nitrogen, traffic, schools, police, etc. This is a low impact development. He continued to present the proposed specifics of the solar field, including that 1.3 acres of trees will be cut, and there will be minimum site impact. Galvanized fencing will be installed, as well as remote monitoring. The site will be comprise primarily of native grasses and permeable material.

Mrs. Greenhalgh provided staff comments. Fire and Police: No issues. DPW: Lincoln Hooper email dated October 15, 2020 - Please be advised that the DPW does business with Mr. Clark and that he is currently doing brush grinding for the DPW under a contract signed a week ago. Additionally, Chris Nickerson is related to him, thus the comment on the application came from me. Although Chris and I both fee there is no nexus between his application to use his sandpit (I always thought it was in Chatham) for a solar array and the business we do with him. I felt that I should disclose these facts to you. Conservation: There is a wetland along the southern boundary. This wetland is also a certified vernal pool. How was the edge of this wetland determined, and is the wetland edge the landward limit of vernal pool? They are often not one-in-the-same. As proposed, no work would take place within the 100' wetland buffer, but we do not know how this was determined. The Conservation Administrator suggests they come to the Conservation Commission with a request for Determination of Applicability to nail down that wetland delineation. NOTE: The applicants represented has been in touch with the Conservation Administrator and has made the necessary filing with Conservation. Health: The Senior Health Agent reviewed the application for a variance to install a solar/photovoltaic facility at 0 Depot Road. This property is located in a Zone II, or water recharge area. The Health Department has no issues or concerns with the proposal, but it is important to note that Board of Health Regulations state that land use that results in impervious cover of more than 15% or 2,500 square feet of any lot, whichever is greater, is prohibited unless a system of artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality. If the proposed use exceeds impervious cover of more than 15%, then the application will need to be reviewed by the Board of Health. Chatham Fire: No issues with the proposed project.

Planning Staff Comments 1. First the Town Engineer and the Town Planner want to make it clear that we are not opposed to the proposed project, quite the opposite. 2. The use was approved by the Zoning Board of Appeals, Case #2020-34. 3. Recommended conditions are as follows: a. Board of Health Regulations and Requirements shall be met. b. Approval is subject to the Local Stormwater Permit under the Comprehensive Stormwater and Illicit Discharge Regulation approved by the Town Engineer. c. The use of the Large Scale Ground Mounted Photovoltaic Array was approved by a use variance issued by the Zoning Board of Appeals pursuant to Case #2020-34. d. This decision shall be recorded at the Barnstable County 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.

Mr. Chadwick asked how the land will be maintained. Is there a plan for mowing?

Mr. Serber stated that there will be one annual mowing, and the remote monitors will alert if a shadow is being cast on the panels, and a crew member would be out to mow right away. No chemicals will be used on the site.

Mr. Rouse's call was dropped from the hearing at 6:57 PM.

Ms. Maslowski made the motion to close the public hearing at 6:58 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve the following waivers as requested based on the facts presented by the applicant:

- 1. Waiver from provision of §400-16B, and in the alternative to allow the plan to follow requirements of Chapter 325, Article XXIII Large-Scale Ground-Mounted Photovoltaic Arrays, §325-140 Large-scale Solar Review.
- 2. Waiver from provision of §325-140B (2)(b) with respect to the boundary survey prepared by a Registered Land Surveyor as the Facility is located over 500 feet from the nearest property line to the west, per the Town GIS.
- 3. Waiver from §325-140B (3)(h) as §400-18 Review Procedure was followed.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (6-0-0) to adopt the following:

- 1. The parcel is located within the RR zoning district and WR Overlay District.
- 2. The use was authorized through a variance from the Zoning Board of Appeals Case #2020-34.
- 3. The only access will be from Chatham over Mill Hill Road. No new roads are proposed.
- 4. The nearest home is over 800 feet away and would not be affected by the proposal.
- 5. The previous use of the property was that of a sand and earth removal pit.
- 6. The use will not cause harm or nuisance and will not derogate from the purpose and intent of the zoning codes of the Town of Harwich.

Mr. Rouse returned to the meeting at approximately 7:01pm.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (7-0-0) to approve with conditions case number PB2020-27 NextGrid, Inc., for a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55, in conjunction with §325, Article XXIII to establish a Large Scale Photovoltaic Array at property located at 0 Depot Road, Map 64, Parcel S-1 in the R-R zoning district. 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. Board of Health Regulations and Requirements shall be met.

- 2. Approval is subject to the Comprehensive Stormwater and Illicit Discharge Regulation Permit approved and authorized by the Town Engineer.
- 3. The use of the Large Scale Ground Mounted Photovoltaic Array was approved by a use variance issued by the Zoning Board of Appeals pursuant to Case #2020-34.
- 4. This decision shall be recorded at the Barnstable County Registry of Deeds.
- 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.

PB2020-24 195 Queen Anne Road, LLC, 195 Queen Anne Road, Approval of a Site Plan Review Special Permit

Chairman Berry reopened the hearing at 7:04 PM by reading the legal notice into the record. 195 Queen Anne Road, LLC, as applicant, George A. McLaughlin III, as manager, Daniel A. Ojala, P.E., P.L.S., as representative, seeks approval of a Site Plan Review Special Permit and a Special Permit for structures with a gross floor area > 7,500 SF and 20 or more new parking spaces pursuant to the Code of the Town of Harwich §325-55 and §§325 9 and - 51 to construct an industrial warehouse/contractor structure (7 bays, 9,000 sf). The property is located at 195 Queen Anne Road, Map 58, Parcel F1-2, in the I-L zoning district. Hearing Continued from 12/1/2020. Please note: the applicant has requested a continuance to March 9, 2021.

Ms. Maslowski made the motion to continue the hearing to March 9, 2021 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

<u>PB2020-28 Cape Cod Oil Company, H. Tasha, TR. of M.J.T. Enterprises, 6 Station</u> <u>Avenue, Site Plan Review Special Permit with Waivers</u>

Chairman Berry opened the hearing at 7:05 PM by reading the legal notice into the record. Cape Cod Oil Company, H. Tasha, TR. of M.J.T. Enterprises, as applicant, Jacobs Driscoll Engineering, Inc., as representative, seeks approval of a Site Plan Review Special Permit with waiver to establish and install two (2) 30,000 gallon propane tanks along with appurtenant equipment fixtures and site features pertinent to the establishment of a new Heating Fuel Resale and Storage use, which is an allowable use within the zoning district. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 6 Station Avenue, Map 39, Parcel K3, in I-L zoning district. Hearing continued from 12/1/2020. Please note: the applicant has requested a continuance to February 23, 2021.

Ms. Maslowski made the motion to continue the hearing to February 13, 2021 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

PB2020-31 711 Main Street LLC, 711 Main Street, Modify Site Plan Review Special Permit *Representative:* Saumil Patel

Chairman Berry re-opened the hearing at 7:06 PM by reading the legal notice. 711 Main Street LLC, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 to reduce the number of existing parking spaces by one (1) to accommodate the

installation of an enclosed mechanical energy appliance (generator) at the rear of the building. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay zoning districts. Hearing continued from 12/17/2020

Saumil Patel presented the application. They are applying to add a generator to the rear of the building, which will take one of the existing parking spaces. They will still have 23 parking spaces, which meets all of the requirements. A stockade fence will surround the generator.

Mrs. Greenhalgh provided staff comments. Fire, Water, Health, Engineering & Highway: No issues or concerns. Planning Staff Comments 1. In discussion with the Town Engineer we both agree that this is an appropriate location for the generator. This was a difficult parking space to maneuver in the first place, so there are no concerns with generator to be located in this former parking space. 2. The initial site plan approval provide for two extra parking spaces. The elimination of one space should no impact the property or uses on the property. All conditions imposed pursuant to the PB2019-18 decision should continue and can be easily be made a condition of approval.

Two letters of concern regarding buffering and noise were received, which were both read into the record. The letters were from Peter Antonellis and Susan Sader and from Robert and Lynn Stern.

Mr. Harris asked how often the generator will run a test. Mr. Patel stated that it will run every two weeks for 15 minutes. They will schedule it to run during the day.

Ms. Maslowski asked if he was willing to put up a fence to create a screen. Mr. Patel stated that he ordered the tallest Leland Cypress trees available. They will grow about 4' a year. That will screen the headlights, especially with a little more time to grow.

Ms. Maslowski asked when where the trees planted. It was responded about 4 weeks ago. They ordered all of the tallest one available. The shortest one is about 7'.

Mr. Harris questioned the spacing between trees. Mr. Patel responded about 5-6'.

Mr. Chadwick asked about planting on the retaining wall. Mr. Patel stated that the spacing is only about 18-20', so it would be difficult, but not impossible.

Mr. Chadwick asked about putting a stockade fence on the retaining wall. Mr. Patel stated they were thinking of putting it on the property line for the most privacy.

Mr. Antonellis stated that they are amendable to a stockade fence on the property line that is likely the best solution. The pictures show that the trees are below the retaining wall. They would have to grow 4-5' to be near the guard rail, and the trees wouldn't help. The fence is the best solution for their concerns. He asked if there are requirements for power for the generator. How do you settle on a particular generator.

Chairman Berry stated that there is an equation of cubic volume of the area that uses a standard formula and thresholds for determining the size of a generator.

Mr. Antonellis asked how much noise does it put out vs. what is allowed under the Noise Pollution code.

Mr. Patel stated that the specifications have been shown to the building department, and they stated that it will not create too much noise. Testing is brief, and it will only be used during storms and power outages.

A lengthy discussion was held over fence height.

Ms. Maslowski made the motion to close the hearing at 7:33 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (7-0-0) by roll call vote to approve with conditions and waivers case number PB2020-31 711 Main Street LLC a modification of the PB20219-18 Site Plan Review Special Permit to reduce the number of existing parking spaces by one (1) to accommodate the installation of an enclosed mechanical energy appliance (generator) at the rear of the building for the property located at 711 Main Street, Map 41, Parcel D8. The application is pursuant to the Code of the Town of Harwich §325-55. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following conditions are imposed:

- 1. All conditions and provisions of the PB2019-18 Site Plan Special Permit shall continue to be observed/enforced and shall continue to run with this decision.
- 2. This decision shall be recorded at the Barnstable County Registry of Deeds.
- 3. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.
- 4. The applicant shall install a fence as close to and along the rear property line on 711 Main Street with its abutters and such fence shall be approved by the Harwich Historic District and Historical Commission.

<u>PB2020-26 Royal Apartments, 328 Bank Street, Special Permit for Multifamily Use and Site Plan Review</u>

Representatives: Ben Zehnder & Alex Bardin

Chairman Berry re-opened the hearing at 7:37 PM. PB2020-26 The Royal Apartments LLC, as owner, Benjamin E. Zehnder, Esq, Representative, seeks approval of Special Permits for Multifamily Use and Site Plan Review for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.Q (approved at the 9-26-2020 Town Meeting) and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. Hearing continued from December 17, 2020

Ben Zehnder reviewed the proposed application for 26 apartments, which is a much needed resource in the town.

Mrs. Greenhalgh provided staff comments. Health: The Senior Health Agent reviewed the application for approval of a multi-family use special permits in the Harwich center overlay district and a site plan review special permit at 328 Bank Street. The septic system was originally designed for 31 assisted living rooms, plus additional office space, for a total flow of 4773 gallons per day. The proposed floor plans show that 33 bedrooms are proposed, with a total flow of 3630. As the plan is proposed, the Health Department has no concerns, however; we do require that a passing Title 5 inspection be submitted prior to any building permit approval. Fire Chief: No issues for the Planning Board from Fire for this project. Police: The Deputy Chief had the traffic officer look at the plans. Here are Officer Holmes Comments, after meeting with Carla Burke, via email December 22, 2020: "I had a nice conversation with Carla and explained where our input comes from as far as looking at past crashes and traffic complaints. She was happy I listened to her voice and concerns. After talking with her I did recognize one problem. The height and/or location of the current fence along Bank St limits the sightline looking south. Could we have planning recommend the fence be removed and/or reduced in height to meet the provisions of the Bulk Height By-Law? No other concerns from me." DPW/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. So long as no new activity is happening in the 100' wetland buffer, conservation has no 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 on October 23, 2020. We had four items which have all been fully addressed with the most recent revised plans and other clarifications. 2. The Board has historically granted waivers from all setbacks within the Overlay district. The requested waivers are reasonable. 3. At this time, the plans and requirements of the zoning bylaws appear to have been met. 4. As of January 5, 2021 (9:15 am), 16 letters/emails, copies attached, had been received from abutters and a legal representative of abutters. (Please note that two (2) of the letters (from Mongillo and Menzies) are duplicates and only one of each is attached). 5. Reasonable conditions are recommended including: a. Erosion control shall be install and maintain during construction on the 100' conservation buffer line to ensure work stays out of conservation jurisdiction. Permits from Conservation shall be required if work enters conservation jurisdiction. b. A passing Title 5 inspection be submitted to the Health Department prior to any building permit approval. c. All signage shall comply with the Sign Code, Historic District & Historical Commission and Building Department Requirements. d. All lighting shall comply with the Lighting Code and Historic District & Historical Commission Requirements. e. Appropriate approvals from the Historic District & Historical Commission shall be required. f. Any changes to the approved site may require additional review and approvals from the Planning Board and the Historic District & Historical Commission. g. This decision shall be recorded at the Barnstable County 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.

Ten letters of opposition were received. The letters concerns included density issues, hazards to vehicles and pedestrians, environmental, side walk and parking, on-site management, noise, and light.

Larry Brophy stated that he was a Town Planner, and on the Planning Board of ten years. He is also on the Harwich Affordable Trust. There is a dire need for this housing in Harwich. The need is critical, and anything we can do to help is good.

David Reid stated that part of his previous letter could be disregarded, as the new by-law had not yet been approved. Attachments are included in his letter. This is a non-conforming building.

Mr. Zehnder responded to Mr. Reid's comments.

Peter Antonellis raised concerns about pedestrian activity.

Judith Underwood spoke in support of housing in Harwich.

Mr. Stoltz recommended a traffic study, as well as sidewalks.

Diane Rinkacs stated that this is an emotional topic for affordable housing, but raised concerns with the proposal.

A very lengthy discussion ensued including the need for a traffic study and if so, what type. The Board ultimately did not chose to require a study.

Ms. Maslowski requested that the Planning Board seek legal advice from Planning Board council on the authority to act on the application, seconded by Mr. Stoltz. The motion passed with a vote of 6-1-0, with Vice-Chairman Peterson casting the dissenting vote.

Ms. Maslowski made the motion to continue the hearing to February 9, 2021 not earlier than 6:30 PM, seconded by Mr. Rouse, the motion passed with a vote of 6-1-0, with Vice-Chairman Peterson casting the dissenting vote.

A brief recess was taken from 9:49 PM to 10:00 PM.

PB2020-32 Wychmere Harbor Real Estate LLC, 23 Snow Inn Road, Amend Site Plan Review Special Permit

Chairman Berry opened the hearing by reading the legal notice into the record. Wychmere Harbor Real Estate LLC, applicant & owner, c/o Attorney Andrew Signer, representative, seeks to amend the Site Plan Review Special Permits granted in Cases PB2019-27 and PB2020-23, or in the alternative a new Special Permit to make additional alterations to the previously approved design of the Beach Club to re-design the pool area to include an additional pool, construct a new infant pool, create a fenced, natural lawn service alley along the east side, and make accompanying landscape and walkway revisions. The application is pursuant to the Code of the

Town of Harwich §325-55 (Site Plan Review), and Chapter 400. The property is located 23 Snow Inn Road, Map 8, Parcel P2-12, in the RH 3 and R L zoning districts.

At the request of the applicant's representative, Ms. Maslowski made the motion to continue the hearing to February 9, 2021 no earlier than 6:30 PM, seconded by Mr. Rouse, unanimously so voted via roll call (7-0-0).

PB2020-35 Our & Blanchard, 103 & 105 Old Harwich Brewster Road, ANR Representative: Dan Ojala

Our & Blanchard - Approval Not Required Plan (ANR) - 103 and 105 Old Harwich Brewster Road, Map 65, Parcels R2 and R3 respectively.

Dan Ojala, presented the ANR plan. He stated that this is a simple matter. It meets the shape, frontage, and acreage.

Mr. Stoltz questioned the access, which was clarified by Mr. Ojala.

Ms. Maslowski made the motion that said plan does not constitute a subdivision as the way shown on the plan is a public way maintained and used as a public way and has, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, seconded by Mr. Harris, unanimously so voted via roll call (6-0-0) (Mr. Rouse as an alternative is not eligible to vote on this matter).

MEETING MINUTES- December 12, 2020

Ms. Maslowski made the motion to approve the minutes as written, seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

ZONING AMENDMENT

Mrs. Greenhalgh provided a memo to the Board outlining potential the Zoning Amendment and changes to the Rules and Regulations. Including:

Zoning Amendments: 1. There will need to be changes made to the Flood Plain Requirements, Article XVII, §325-104 through 108.1. These do not need to be address at the 2021 Annual Town Meeting, but will be required soon after in order to keep the Town of Harwich Community Rating System status in good standing. 2. Perhaps a new section regarding erosion control. 3. §325-42.L – The MRL and MRL-1 parking setbacks to streets, side and rear lots lines is 50 feet.

Rules and Regulations: Back in 2008 the Town of Harwich codified the bylaws within the Town. For some reason the Planning Board's Rules and Regulations ("Rules and Regs"), formally known as Chapter 400 Subdivision of Land and Site Plan Special Permits, was included in the codification. It is not entirely clear as to the reason they were included. Other rules and/or regulations for other Boards/Committees/Commissions are not included in the "Codes". For example the Board of Health Regulations and the Harwich Wetland Regulations (Conservation Commission). The Town Engineer and Planner have and will continue to work on an update to the Rules and Regulations. Appendix 1, the Rational Method of Drainage Design and other Tables and Figures in Appendices 2 and 3 all are in need updating. The checklist within Appendix 4 is also in need of corrections and updates. The Board may also wish to consider changing the abutter notification requirement.

HISTORIC ADVISORY OPINIONS- None

WEST HARWICH DCPC- Chairman Berry updated the Board on the DCPC process.

REVIEW AND APPROVAL OF THE 2020 ANNUAL REPORT

Mr. Harris made the motion to approve the annual report with a note that the 2020 Zoning Amendments were approved on January 12, 2020, seconded by Mr. Rouse, unanimously so voted via roll call (7-0-0).

BRIEFINGS AND REPORTS BY BOARD MEMBERS- None.

ADJOURNMENT:

Mr. Rouse made the motion to adjourn at 10:20 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted, Kathleen A. O'Neill

Adopted:

HARWICH PLANNING BOARD HARWICH TOWN HALL - 732 MAIN STREET, HARWICH VIA REMOTE PARTICIPATION GoToMeeting.com TUESDAY JANUARY 26, 2021 – 6:30 PM MEETING MINUTES

BOARD MEMBERS PRESENT: Chairman, Duncan Berry; Vice-Chairman, Allan Peterson; David Harris; William Stoltz; Arthur Rouse; Mary Maslowski; Joe McParland; and Craig Chadwick, were all present via remote participation.

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Charleen Greenhalgh, Interim Town Planner; Katie O'Neill; Craig LeBlanc; Rob O'Neill; Robert Carter; Stuart Clark; Rosemary Panza; Justin Marks; Albert Sreter; Linda Reid; James Trainor; Roger Groskopf; and others.

CALL TO ORDER - 6:32 PM by Chairman Berry with a quorum present.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen or view this meeting while in progress may do so by logging in or calling in as specified above on this agenda.

Chairman Berry called for a roll call of the members to determine a quorum. All members present.

PB2020-33 Main Street Stone Horse, 872 Route 28, New Use Special Permit

Chairman Berry opened the hearing at 6:33 PM by reading the legal notice into the record. Main Street Stone Horse, applicant & owner, c/o William F. Riley, Esq. representative, seeks a new Use Special Permit, to convert one of the two dormitory buildings, specifically the building known as 868 Route 28, into twenty two (22) one-bedroom apartments and to amend the previously approved Site Plan Review Special Permit granted under case PB2019-13 with additional parking requirement and other waivers. The application, is pursuant to the Code of the Town of Harwich §325-51.Q (Multifamily Use) and §325-55 (Site Plan Review). The property is located 872 Route 28, Map 25, Parcel A2, is located in the CH-1 zoning district.

Chairman Berry stated that the applicant has requested a continuance to February 23, 2021.

Ms. Maslowski made the motion to continue the hearing to February 23, 2021, seconded by Mr. McParland, unanimously so voted via roll call vote (8-0-0).

PB2020-34 Cool Change LLC, 282 Route 28, Site Plan Review & Use Special Permit *Representative:* Rob O'Neill, Craig LeBlanc, Robert Carter, Justin Marks

Chairman Berry opened the hearing at 6:36 PM by reading the legal notice into the record. Cool Change LLC, Allen Harbor Marine, applicant & owner, c/o Rob O'Neill, representative, seeks a Site Plan Review and Use Special Permit pursuant to §§325-55; 325-13, Use Table, paragraph IV.19; and 325-51to construct a 4,102 square foot commercial building for a marine use (boat maintenance and repair) and associated parking at property located at 282 Route 28, Map 12, Parcel G2-1 in the CH-1 zoning district.

Craig LeBlanc began the hearing by explaining the proposal. The purpose of the new building is for service work during the fall and winter months due to winter conditions. The fall work will primarily be shrink wrapping. On nice days they are able to shrink wrap outside, and keep boats inside for inclement weather. In January they start prep work for the season, consisting of descaling, bottom painting, checking operation systems, etc. Each boat is inside for approximately 3-5 days, then it goes back outside. It is a continuous cycle. The building will handle generally 6 boats at once, depending on size. The extra inside space will allow to keep staff on year round through the winter. That work will continue through early to mid may, then the boats will head to the water and more work happens outside. The summer months will not be as busy. This will really help the work load during inclement weather.

Mrs. Greenhalgh provided staff comments. Health: A fully compliant septic system must be approved prior to any building permit issuance. Fire, Police, Water, DPW/Highway: No issues, comments or concerns. Conservation: Any work in the FEMA Flood Zone requires Conservation Commission approval, as this is Land Subject to Coastal Storm Flowage. Planning Staff Comments 1. The Town Engineer and Town Planner met to review the plans and application as submitted on January 5, 2021. At that time we sent an email to Rob O'Neill, Project Manager outlining our questions and comments. Revised plans and other information was provided on January 13, 2021. Most of our comments/questions had been addressed; however, we do provide the following additional comments: a. The westerly parking two (2) parking spaces nearest the proposed building cannot be used during the hours of operation of the Marine use, as these would block access to the three (3) parking spaces at the rear of the building. This could be accomplished with signage and can be made a condition of approval. b. We still encourage one central curb cut. Because this is a change of use this would need to go to MassDOT for a curb cut permit. This can be made a condition of approval. c. Dimensions for the parking spaces are not provided, including the HP space. If the application states what the various dimension would be, this too can be included in the conditions. d. Curbing is encouraged along the easterly parking area. We understand the desire to minimize curbing due to the boat and trailer access; however curbing along the easterly side should not impede access. This can be made a condition of approval. e. The applicant has request a waiver of the landscaping and planting. The Town Engineer and Interim Planner believe that those areas that will not be paved must be "green" and therefore some indication of loaming and seeding, and/or low growing shrubs should be provided.

2. The Zoning Board of Appeals approved variances for setbacks for the building and parking pursuant to Case #2020-41. 3. The property contains a use easement for parking for the

restaurant located to the west of the property (Villa Roma). The parking needs for each use will be offset by the nature of each business and the hours of operation. 4. The requested waivers would not be required provided there are conditions imposed including the submittal of a landscaping plan. 5. At this time, all other requirements of the zoning bylaws appear to have been met. 6. Reasonable conditions are recommended including: a. A fully compliant septic system must be approved prior to any building permit issuance. b. Any work in the FEMA Flood Zone requires Conservation Commission approval, as this is Land Subject to Coastal Storm Flowage. c. The two parking spaces on the westerly side of the lot shall be restricted to evening use only. Signage shall be installed to indicate said restriction. d. A Cape Cod Berm shall be installed along the easterly edge of the parking area, and shall be shown on the As-Built Plan. e. A Massachusetts Department of Transportation ("MassDOT") may be required as this is a change of use. Any changes to the entrance to the site as a result of this review shall not require further review from the Planning Board. A copy of the MassDOT curb cut permit shall be filed with the Planning Office. f. The regular parking spaces shall be 9' wide by 20' in length and the parking space for disabled persons shall be 8' wide with a 5' hatched aisle adjacent by 20' in length. g. All signage shall comply with the Sign Code and Building Department Requirements. h. All lighting shall comply with the Lighting Code. i. Prior to the issuance of a building permit, a landscape plan shall be submitted to the Planning Office. j. Any changes to the approved site may require additional review and approvals from the Planning Board. k. This decision shall be recorded at the Barnstable County Registry of Deeds. 1. Conformance with all review procedure requirements outlined pursuant to the Code of the Town of Harwich §400-18.G Inspection, certificate of completion and as-built plan shall be met.

Mr. McParland asked for clarification on access to the Villa Roma property. It was clarified that there is an existing island between the two properties.

Rob O'Neill clarified that on the plan page C-0.6, its shown how traffic would flow between the new lot and Villa Roma. Traffic should not be impacted.

Mr. Harris asked who the southern accessible space serves. It was for the new building.

Mr. Harris asked how they will handle the accessibility need, as it blocks the garage. Mr. O'Neill stated that there will not be any marina customers, it will only be employees. Employees will only park in spaces that do not impact the bay.

Justin Marks stated that signage will be located in that area. Currently there is no disabled employee, but should one be hired they would coordinate boat deliveries around their schedule.

Mr. Chadwick confirmed that there is not outside storage of boats, and all the work will be inside. Craig Leblanc said that is correct.

Mr. Chadwick questioned the elevation of the building, which was clarified by Stuart Clark.

Mr. Chadwick questioned the West side driveway spacing by the dumpster. How is it anticipated the garbage truck will maneuver. Craig LeBlanc stated that the dumpster it will be movable, and the truck will pull in the driveway, and then pull out.

Mr. Harris questioned the access from Route 28 to the entrance to the new parking lot and maneuvering within the site. The parking spaces on the West side will have to be vacant when bringing boats in and out.

Mr. Leblanc stated the restaurant is only open for dinner service, so the schedule should work out fine.

A lengthy discussion ensued on parking and truck maneuvering.

Mr. Stoltz stated that some plans have the large door on the right side and other show it on the left, what is correct?

Mr. LeBlanc clarified that three doors of the same size are proposed. Mr. O'Neill stated that the option with the three doors has not been presented to the Board yet.

Mr. Stoltz questioned curb blocks on the east side of the parking lot. Mr. O'Neill stated that they are open to doing the wheel stops. They are under the impressive that if they do the wheel stops they will not meet the requirement of a Cape Cod berm. Mrs. Greenhalgh said they could do either, don't have to do both. Mr. O'Neill stated they will do the wheel stops.

Mr. McParland would like to move this to the next meeting when the proposal is cleaned up.

It was confirmed what details need to be added including landscaping, wheelstops, signage for the westerly spaces to be used only for the restaurant during evening hours and revised floor plans and rendering of the building if the proposal is for three larger overhead doors.

Ms. Maslowski clarified how many parking spaces are required to be there for Villa Roma and how many are needed for this new use? Mrs. Greenhalgh stated that 10 are needed for the marina use, and they have 18. This is a private arrangement with Villa Roma for parking.

Ms. Maslowski has concerns with the parking.

A lengthy discussion ensued.

Roger Groskopf, an owner of a condo behind the property, ask for clarification on the elevation change, which was answered by Mr. Stoltz.

Mr. McParland made the motion to continue the hearing to February 23, 2021, seconded by Mr. Stoltz. The motion and second were withdrawn following discussion.

Mr. McParland made the motion to continue the hearing to February 9, 2021, seconded by Mr. Stoltz, unanimously so voted via roll call.

The applicant understood that revised plans and other information must be filed by noon on Monday, Feb. 1, 2021.

WEST HARWICH DCPC - Continued discussion on Design Guidelines - Chairman Berry stated he will have a copy ready for next meeting.

ZONING AMENDMENTS- Discussion on possible zoning amendments/rules and regulations amendment for 2021

Mrs. Greenhalgh stated that she is looking for direction base on the December 29, 2020 memo that the Board has seen.

The Board agreed that work should be done regarding the setback requirements for parking within the MRL and MRL-1 zoning districts. This will be provided at the next meeting under new business.

A discussion ensued on whether to continue to requirement for certified mailings for abutter notifications. The Board was inclined to keep this in place.

BRIEFINGS AND REPORTS BY BOARD MEMBERS

Ms. Maslowski updated the Board on CPC. She expects they will start voting on the applications on Thursday. There were close to 16 applications, and they will be voting on 15 of them.

Mr. McParland updated the Board on the Capital Outlay plan, which was submitted several weeks ago.

ADJOURNMENT:

Mr. Harris made the motion to adjourn at 7:40 PM, seconded by Ms. Maslowski, unanimously so voted via roll call.

Respectfully Submitted, Kathleen A. O'Neill

Adopted:

HARWICH PLANNING BOARD HARWICH TOWN HALL - 732 MAIN STREET, HARWICH VIA REMOTE PARTICIPATION GoToMeeting.com TUESDAY FEBRUARY 9, 2021 – 6:30 PM MEETING MINUTES

BOARD MEMBERS PRESENT: Chairman, Duncan Berry; Vice-Chairman, Allan Peterson; David Harris; Arthur Rouse; Mary Maslowski; and Craig Chadwick, were all present via remote participation.

BOARD MEMBERS ABSENT: Joe McParland and William Stoltz

OTHERS PRESENT: Charleen Greenhalgh; Katie O'Neill; Cyndi Williams; Stuart Clark; Griffin Ryder; Thomas Mulcahy; Jeanne Mongillo; Tricia Murray; Alex Bardin; Marla Menzies; Robert Carter; Craig LeBlanc; Rob O'Neill; Ben Zehnder; Andrew Singer; Dave Michniewicz; Robert Carter; David Reid; Roger Groskopf; Gregory Winston; Mike Sharlet; and others

CALL TO ORDER - 6:40 PM by Chairman Berry with a quorum present.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen or view this meeting while in progress may do so by logging in or calling in as specified above on this agenda.

It was discovered that the incorrect phone number was posted on the agenda. It was determined that no testimony should be heard. Ms. Maslowski made the motion to continue all of the hearings (PB2020-32 Wychmere Harbor Real Estate LLC; PB2020-34 Cool Change LLC; and PB2020-26 The Royal Apartment LLC) to February 23, 2021 no earlier than 6:30 PM, seconded by Mr. Harris, unanimously so voted via roll call (6-0-0).

The meeting adjourned at 6:48 PM.

Respectfully Submitted, Kathleen A. O'Neill

Adopted:

AGENDA ITEM IV.A.2.A

Article ____: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning Article XXIV West Harwich Special District by adding a new §325-160 as follows:

§325-160 Design Guidelines

For the purpose of this section the Harwich Planning Board shall adopt "*West Harwich Special District Site and Architectural Design Guidelines*" which shall constitute rules and regulations guiding historic structures and new construction within the WHSD.

Explanation: The new section 325-160 references design guidelines for the West Harwich Special District, which will be created and adopted by the Harwich Planning Board through a separate public hearing process. These guidelines will assist property owners and applicants with the development and redevelopment of properties within the West Harwich Special District (aka the West Harwich DCPC).

AGENDA ITEM IV.A.2.B

Article ____: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by amending §325-42.L by making the following changing (new text shown in **bold underline** and deleted language shown in strike-out):

Parking and loading zone setbacks for all uses except single-family, two-family and single-family with accessory apartment shall be as follows. For commercial structures, wheel stops for parking spaces perpendicular to or at an angle to a structure shall be located so as to provide a clear area of three feet between the end of a vehicle parked in the space and the nearest structure.

Parking Setbacks ¹ (feet)			
Zone	Street	Side Line	Rear
RR, RM, RL, RH-1, RH-2 and RH-3	20	10	10
CV, CH-1 and CH-2	20	10	10
IL	15	5	5
MRL and MRL-1	50	50	50
	Note 2	Note 2	Note 2

Notes:

¹ No parking area containing more than four spaces or loading area shall be located within a required front yard, except that those buildings utilizing the provisions of §325-51L (Village Commercial Overlay District) shall not locate any parking within the front yard.

 $\frac{2(1)}{2}$ On already improved properties, the setbacks for parking shall be established at the time of the site plan review.

(2) For vacant lands to be developed for any purpose (other than single-family, two-family and single-family with accessory apartment) the minimum setbacks for parking shall be 20 feet from the street and 10 feet from the side and rear property lines.

Explanation: These changes would allow for creativity and flexibility for parking within the MRL and MRL-1 zoning district, particularly for already improved properties.



Town of Harwich ZONING BOARD OF APPEALS

732 Main Street, Harwich, MA 02645

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

REQUEST FOR DEPARTMENTAL INPUT

FOR UPCOMING ZONING BOARD OF APPEALS CASES

- TO: Building Department Conservation Department Department of Public Works Accessibility Rights Committee Fire Department Health Department Historic Commission Planning Department Town Engineer Water Department Police Department
- FROM: Shelagh Delaney, Board Secretary, Zoning Board of Appeals

RE: REQUEST FOR DEPARTMENTAL INPUT FOR ZONING BOARD OF APPEALS MEETING SCHEDULED FOR FEBRUARY 24, 2021.

DATE: February 11, 2021

There will be a meeting of the Zoning Board of Appeals on Wednesday, February 24, 2021 at 7:00 p.m. VIA REMOTE ACCESS ONLY. The agenda for the evening is attached. Applications and corresponding plans may be reviewed at the Building Department or online through the Accela Citizens Access Portal on the Town website.

If you have any questions or need additional information regarding the applications to be considered, please contact me by email at sdelaney@town.harwich.ma.us or by telephone at (508) 430-7506.

If possible, kindly return any case-specific **TYPEWRITTEN** comments on a separate sheet of paper (one per case, please) by **Tuesday, February 23, 2021**.

The Board of Appeals appreciates your time. Thank you.

Reviewed by:	_ (Department)	(Initials)
No Comments		
Please note the following concerns: Traffic safety on-site and/or surroun Emergency access Requires additional permits or other Wetlands/Floodplain concerns Other/Comments:		

HARWICH ZONING BOARD of APPEALS PUBLIC HEARINGS Wednesday, February 24, 2021 at 7:00 p.m. VIA REMOTE ACCESS AGENDA

The Harwich Zoning Board of Appeals will hold a public hearing via remote access as noted below to hear the following cases. Any member of the public having interest in these applications is invited to provide information and comment relevant to these matters by submitting the same in writing via mail by noon on Monday, February 22, 2021. Correspondence received after this time may be too late for submission to the Board. Case documents may be viewed on the Town Website via the Accela Citizen Access <u>https://aca3.accela.com/harwich/</u> Click Building and "Search Applications" or by specific request to building@townofharwich.us

This meeting is by REMOTE PARTICIPATION ONLY. NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WILL BE ALLOWED. Call in instructions will be posted on the meeting Agenda on the Board of Appeals web page.

Pursuant to Governor Baker's March 12, 2020 order Suspending Certain Provisions of the Open Meeting Law, G.L.c30A Sec18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Harwich Board of Appeals on Wednesday, May 27, 2020 at 7pm will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Harwich website at <u>www.harwich-ma.gov</u>. For this meeting, members of the public who wish to watch the meeting may do so in the following manner on Channel 18 or by watching the simulcast at: https://harwich18.dyndns.org/cablecast/public/Live. aspx?ChannelID=1

Zoning Board of Appeals Wed, Feb 24, 2021 7:00 PM - 10:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone. https://global.gotomeeting.com/join/318215725

You can also dial in using your phone. United States: <u>+1 (408) 650-3123</u>

Access Code: 318-215-725

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <u>https://global.gotomeeting.com/inLuiza A. Beauprestall/318215725</u>

Case # 2020-55

Luiza A. Beaupre, through her attorney, William Crowell, has applied for a Special Permit or, in the alternative, a Variance to convert a pre-existing, non-conforming garage into habitable space for a one bedroom single family residence, attach an existing shed, construct a deck and renovate an existing retaining wall. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2, Area Regulations as set forth in MGL Chapter 40A §6 or Chapter 40A §10. The property is located at **9 Herring Run Rd**, Map 36, Parcel L11 in the RR Zoning District.

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Case # 2020-54 (Continued from 1.27.21)

Jane C. Ayoub, owner of 23 Soundview Road, and 27 Soundview LLC, owner of 27 Soundview Road, through their agent, Attorney William Crowell have applied for Variances for said properties to allow for the equivalent exchange of 750 square feet of buildable upland between said owners pursuant to a proposed ANR by Ryder & Wilcox, Inc. dated November 12, 2020 in order to construct a garage. The application is in accordance with MGL Chapter 40A §10. The properties are located at 23 and 27 Soundview Road, Map 26, Parcels L1-10 and L1-9 in the RM Zoning District.

Case # 2020-53 (Continued from 1.27.21)

Helen Murdock, Trustee, through her agent, Susan Ladue of Eastward Companies has applied for a Variance from the total Site Coverage requirements of Section 325-52 and Table 3, Height and Bulk regulations in order to add a pool and patio. The application is in accordance with in MGL Chapter 40A §10. The property is located at **23 Bascom Hollow**, Map 97, Parcel B2-10 in the RR and WR Zoning Districts.

Case # 2020-51 (Continued from 1.27.21)

David R. Prickett, through his agent, Attorney William Crowell has applied for a Special Permit (or in the alternative, a Variance) to create new habitable space in the basement of a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 as set forth in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **24 Crowell Road**, Map 25, Parcel N8-1 in the RM Zoning District.

Case # 2021-01

Russ & Ann McWatters, through their agent, Brian Wall of Cape Coastal Builders, Inc. have applied for a Special Permit to rebuild an existing bump-out addition at the rear of a pre-existing, non-conforming single family dwelling and create 2 new additions along the same line as the existing structure. The application is pursuant to the Code of the Town of Harwich, §325-54 as set forth in MGL Chapter 40A §6. The property is located at **82 Pleasant St**, Map 14, Parcel M3 in the RM Zoning District.

Case # 2021-02

Matthew E. Hubbard, through his agent, Thomas Moore of Thomas A. Moore Design Co. has applied for a Special Permit to build an addition, add a porch and convert a garage into habitable space in a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **10 Sunrise Lane**, Map 26, Parcel B3-4 in the RM Zoning District.

Case # 2021-03

Michael J. Kelly and Brenda M. O'Malley, through their agent, Attorney William Crowell have applied for a Special Permit (or in the alternative, a Variance) to demolish & replace a preexisting, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **10 Jason Lane**, Map 23, Parcel P8-2 in the RL Zoning District.

Case # 2021-04

Robert F. Stadolnik and Patricia A. Stadolnik, through their agent, Attorney William Crowell have applied for a Special Permit (or in the alternative, a Variance) to renovate and add a 2nd floor in the same footprint of a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth

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in MGL Chapter 40A §6 (or Chapter 40A §10). The property is located at **298 Lower County Road**, Map 12, Parcel W2-5 in the RH-1 Zoning District.

In other business, the Board will address the following:

* Approval of minutes from the January 27, 2021 meeting.

* New Business per the Board's discretion.

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Documents related to the above cases are on file with the Building Department and the Office of the Town Clerk located at 732 Main Street, Harwich. They are also available to view on the Town of Harwich website via the Accela Citizen Access Portal.

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In accordance with State Law, this legal notice will also be available electronically at <u>www.masspublicnotices,org</u>. The Town is not responsible for any errors in the electronic posting of this notice.

Per the Attorney General's Office: The <u>Board</u> may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business."

This Agenda may change at the discretion of the Board. Authorized Posting Officer: Shelagh Delaney, sdelaney@town.harwich.ma.us Board of Appeals Recording Clerk

The Cape Cod Chronicle Print dates: February 4th and 11th, 2020.