

**Harwich Planning Board  
Meeting Agenda  
Tuesday, May 25, 2021 – 6:30 PM**

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**I. CALL TO ORDER; ROLL CALL** 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. PUBLIC HEARINGS**

A. **PB2021-09 Seagulls LLC**, Ronald Cote, Connor Cummings, as applicants, Route 28 NRT, Lo York, TR., seek approval of a Use Special Permit for Restaurant, Fast Food/Takeout pursuant to the Code of Town of Harwich §§325-09, -13, -14.O, and -51. The property is located at 537 Route 28, Unit 1C, Map 14, Parcel U5-1, in the C-V & RH-1 zoning districts.

**III. PUBLIC MEETING\*\***

A. New Business:

i. **PB2021-11 Seagulls LLC**, Ronald Cote, Connor Cummings, as applicants, Route 28 NRT, Lo York, TR., seek approval of a Waiver of Site Plan for a new Restaurant, Fast Food/Takeout Use pursuant to the Code of Town of Harwich §§325-55F. The property is located at 537 Route 28, Unit 1C, Map 14, Parcel U5-1, in the C-V & RH-1 zoning districts.

ii. Minutes: April 13, 2017; April 27, 2021; May 8, 2021; May 11, 2021

B. Correspondence: MA Division of Fisheries & Wildlife Draft priority Habitat Map.

C. Old Business:

D. Briefings and Reports by Board Members

**IV. ADJOURN**

**\*Please Note: Use \*6 to mute and unmute your phone.**

*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.*

**\*\*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, June 8, 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

**Interdepartmental Staff comments:**

**Health:** see attached

**Planning Comments:**

**Recommended Findings**

1. The Applicant is a commercial tenant, Unit 1-C, in the so-called Port Center Building, 537 Route 28 (Main Street), Harwichport (Map 14 Parcel U5-1), which is a multi-tenant, multi-use property.
2. The front of the property, along Route 28, is located in the CV (Commercial Village) zoning district; the rear of the property is located in the Residential High Density 1 (RH-1) zoning district. The entire building is located in the commercially zoned (CV) portion of the property. The property's vehicular access is over its frontage on Sea Street.
3. Unit 1-C is a recently created unit in a portion of the building which was most recently used for a restaurant (with an accessory fast-food/ takeout component).
4. The Applicant now proposes to establish in Unit 1-C "Seagulls," an ice cream parlor and soda fountain (a small retail area of handcrafts is also proposed).
5. As a principal use, this ice cream operation is considered a new 'fast food/ takeout restaurant' under the Harwich zoning use table (Attachment 1 to Harwich Code Chapter 325 [Zoning]). This use is allowed by special permit in the CV district ( the retail use is allowed by right in the CV district).
6. Section 325-14.O of the Code requires that such new fast-food takeout use is subject to site plan approval in addition to the requirement for a use special permit.
7. In addition to the specific special permit standards for a fast-food/ takeout restaurant appearing in said Section 325-14.O of the Code, a fast-food/ takeout restaurant is subject to the general standards for use special permits appearing in Section 325-51(A)&(B) of the Code, and the site plan special permit standards (including waivers therefrom) appearing in Section 325-55 of the Code.
8. The Applicant Seagulls has made application for a use special permit in Case No. 2021-09 and waiver of site plan review in Case No. 2021-11. The application material for these cases includes the following:
  - Floor Plans titled, "Harwich Port Ice Cream Shop, Existing Remodel, 537 Route 28, Harwich Port, Massachusetts 02646," prepared by Knack Design Group, Sheet A1.0, dated 3/18/2021;
  - (Existing) Site Plan for 537 Route 28 ("Harwichport Theater Block") prepared by Coastal Engineering Co., dated 5/23/89, on which the Applicant has identified and manuscripted the location of two existing benches along the Sea Street sidewalk; and one existing bench and two proposed Adirondack-style chairs along the Route 28 ("Main Street") sidewalk;
  - (Existing) Site & Sewage Plan, 537 Route 28, Harwich, MA, prepared by Felco engineering, Inc., dated 11/16/98.
  - Project narratives dated April 20, 2021 and May 13, 2021.
9. The applications were prepared and submitted in accordance with the applicable requirements of the Harwich Code.
10. The total number of restaurant seats currently allowed in the entire building per Town Health Department records is 105. The Applicant proposes 6 (six) indoor seats (with tables) for Seagulls. There are three existing benches outside used the building; two new Adirondack-style chairs are proposed along the Route 28 sidewalk.
11. The proposal deals almost entirely with interior fit-out of the unit for the proposed ice cream use, within the existing site building. No physical site, exterior architectural or lighting changes are proposed. No parking changes are necessary or proposed. No site infrastructure (stormwater, septic) changes are necessary or proposed. The proposed use is appropriate in Harwichport,

which is a dense, mixed-use walkable village; there are uses similar and complementary to the proposed one on-site, on neighboring properties, and throughout the village.

- The use as developed will not adversely affect the neighborhood.
  - The site is an appropriate location for such the proposed use.
  - There will be no nuisance or serious hazard to vehicles or pedestrians.
  - Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including appropriate sewage treatment facilities.
  - The proposed use will not adversely impact traffic flow and safety.
  - The proposed use will be compatible with surrounding land uses.
  - Pursuant to Harwich Code Section 325-55F, the proposal does not substantially change the relationship of the structure to the site and to abutting properties and structures, and accordingly, the proposal does not require site plan special permit review approval is not required.
12. The Board held a hearing on the use special permit, and a public meeting on the waiver of site plan review request, on May 25, 2021.

**Recommended Conditions of Approval**

1. The proposed use and development shall be undertaken consistent with the plans referenced in the application material set out above.
2. This Decision shall run with the property.
3. This Decision shall not be effective until it is recorded with the Barnstable County Registry of Deeds.
4. The Applicant shall design and permit any proposed exterior signs in accordance with the applicable requirements of the Harwich Code.

**Motions/ Determinations (as recommended by staff):**

1. In Case No. 2021-09, Motion to adopt the recommended findings set out herein and grant a use special permit, subject to the conditions of approval set out herein;
2. In Case No. 2021-11, Motion to adopt the recommended findings set out herein and grant a waiver from site plan review.

**Staff Note:**

- Use Special Permit: vote may include associate member Mr. Rouse as necessary. A supermajority vote is necessary to approve (5 affirmative votes).
- Waiver of Site Plan Review: The Board is not required to hold public hearing on the Waiver request, thus it is up to the Chair and Board whether to allow public comment on it. Grant of the Waiver requires an affirmative vote of a majority of the Planning Board present but at least four members/ quorum need be present to consider and vote on a Waiver request.

## Elaine Banta

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**From:** Kathleen O'Neill  
**Sent:** Thursday, April 29, 2021 4:17 PM  
**To:** Elaine Banta  
**Subject:** RE: Planning Board Referral - action required.

### Health Department Comments:

- \*All final finishes and equipment must be reviewed by the Health Department prior to installation.
- \*All materials must comply with 105 CMR 590 requirements.
- \*An approved food permit is required prior to operation.
- \* A total of 105 restaurant seats is not to be exceeded between all units located in the building.

No other concerns.

Thanks,  
Katie

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**From:** Elaine Banta  
**Sent:** Wednesday, April 21, 2021 1:01 PM  
**To:** Amy Usowski <ausowski@town.harwich.ma.us>; Bruce Young <byoung@harwichfire.com>; David LeBlanc <d.leblanc@harwichfire.com>; Kathleen O'Neill <koneill@town.harwich.ma.us>; Deputy Chief Kevin Considine <kconsidine@harwichpolice.com>; Raymond Chesley <rchesley@town.harwich.ma.us>  
**Cc:** Meggan Eldredge <meldredge@town.harwich.ma.us>  
**Subject:** Planning Board Referral - action required.

Hello all,

Please see the attached.

Thank you in advance.

Elaine Banta  
Planning Assistant | 508-430-7511

Town Hall hours: Monday – Friday 8:30 AM – 4:00 PM (by appointment only)  
Town of Harwich | Planning Department | 732 Main Street | Harwich, MA 02645

PB 2021-09

Harwich Planning Board

537 Route 28, Harwichport

### SUMMARY OF REASONING

Seagulls LLC ["Applicant"], is a tenant at 537 Route 28 in Harwichport ["Property"]. The Property, which is shown as Parcel U5-1 on Harwich Assessor's Map 14, is located in the C-V and RH-1 Zoning Districts and is improved with a mixed-use building containing a dwelling unit and commercial units on the second floor and commercial units on the first floor. The applicant has rented Unit 1C on the first floor and is seeking to open an Ice Cream Shop at the location. The primary use of the commercial unit will be an Ice Cream Shop, which will also sell Coffee and Hot Chocolate, requiring a Use Special Permit as a fast food/takeout restaurant business. Eight (8) seats (6 indoor and 2 outdoor) are proposed for this use. The commercial use of the inside space in Unit 1C does not require additional site plan review.

Based on all of the above, the Applicant is respectfully requesting a Use Special Permit in accordance with Sections 325-9, 325-13 (Table 1), 325-14.O, and 325-51 of the Harwich Zoning By-Law ["Zoning By-Law"]. The Board is authorized to grant the requested relief if certain findings are made. The Applicant respectfully submits that the findings can be made in this instance because:

1. The proposed use will be compatible with surrounding land uses in this commercial downtown area of Harwichport Center and will not adversely affect the neighborhood;
2. The Property remains an appropriate location for the proposed use and will enhance the commercial downtown of Harwichport Center;
3. There will be no nuisance or serious hazard to vehicles or pedestrians. The existing parking located to the rear of the building will remain conforming for the proposal. Based on the foregoing, the proposed use will not adversely impact traffic flow and safety;
4. Adequate and appropriate facilities are provided for the proper operation of the proposed site. All of the activity will be located within the approved building. The septic system for the Property has sufficient design and capacity to handle the proposed use in accordance with the health regulations.
5. Lighting complies with the Harwich lighting regulations;
6. All necessary facilities and utilities are and will continue to be adequately and appropriately provided for the proper operation of the use. This includes water, electricity, heat, air conditioning, site drainage and landscaping to maintain the visual appearance of the site;
7. The proposal remains in compliance with (a) the Planning Board's Rules and Regulations governing Site Plan Review and (b) the Zoning By-Law;

8. We are requesting waivers from any and all rules and regulations that are not applicable to the applications and;



9. For all of the above reasons, the Applicant respectfully requests that the Board make findings that the criteria set forth in the Zoning By-Law have been met and grant approval of a Use Special Permit for a fast food takeout restaurant business, to allow the proposal to be completed as shown on the plans.

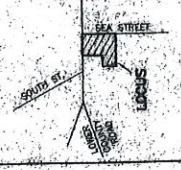








LOCUS  
(NO. 3045)



**LEGEND**

- EXISTING SEPTIC
- EXISTING WELL
- PROPOSED WELL
- EXISTING CONTOUR
- PROPOSED CONTOUR
- WATER LINE
- EST. POLE
- SEPTIC TANK
- 10' BOX

NOTES:  
 1. EXISTING SEPTIC SYSTEM DESIGN PER PLAN PROPOSED FOR REVISION, PARCELS 1402, 1403 & 1404.  
 2. PROPOSED 1,000 G.P.D. LEACH AREA TO BE INSTALLED IN THE REAR OF EXISTING RESTAURANT TO TWO STAYS UNLESS OTHERWISE NOTED AND INSTALL NEW SEPTIC SYSTEM FOR REMAINING USES AS SHOWN IN SPECIAL SECTION OF SHEET 2 OF 2.

**SITE & SEWAGE PLAN**

LOCUS: 537 ROUTE 28  
 HARWICH, MA

PREPARED FOR: **PORT CENTER REALTY TRUST**

REFERENCE: ASSET'S MAP NO. 14  
 PARCEL 1402-1404

SCALE: 1" = 20' DATE: 11-16-20

SHEET No. 1 OF 2 JOB NO. 88472

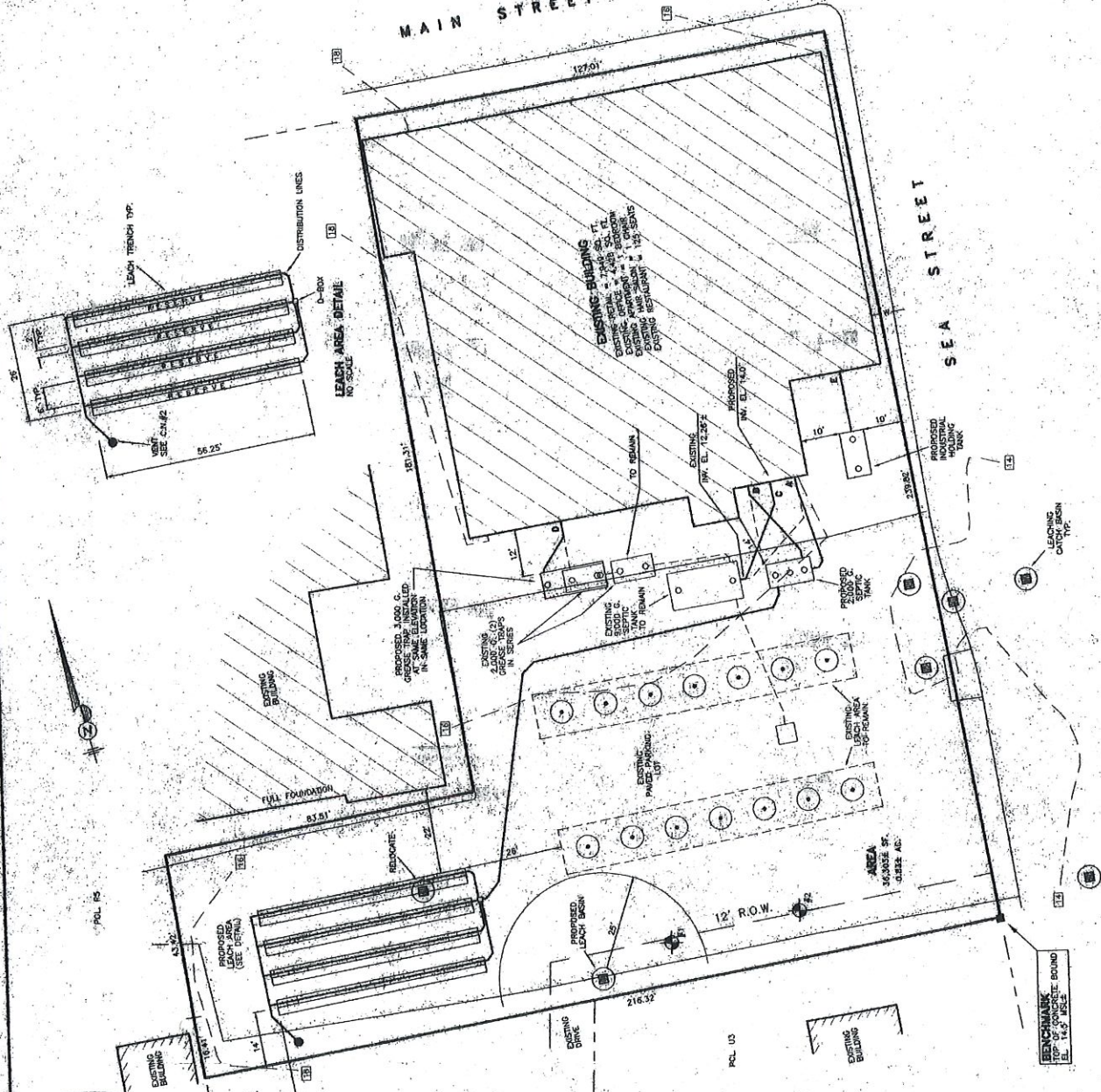
NO.	REVISIONS

**FELCO, INC.**  
 ENGINEERING - LAND SURVEYING  
 P.O. BOX 1366 OREANS, MA 02653  
 (508) 295-8141 (FAX) 295-2944

ALL WELLS NOT SHOWN EXCEED 200' FROM LOCUS SEWAGE.  
 VERIFY ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.  
 THIS PLAN IS FOR SEWAGE DESIGN ONLY AND IS NOT INTENDED TO BE A SURVEY PLOT PLAN.

MAIN STREET (ROUTE 28)

SEA STREET



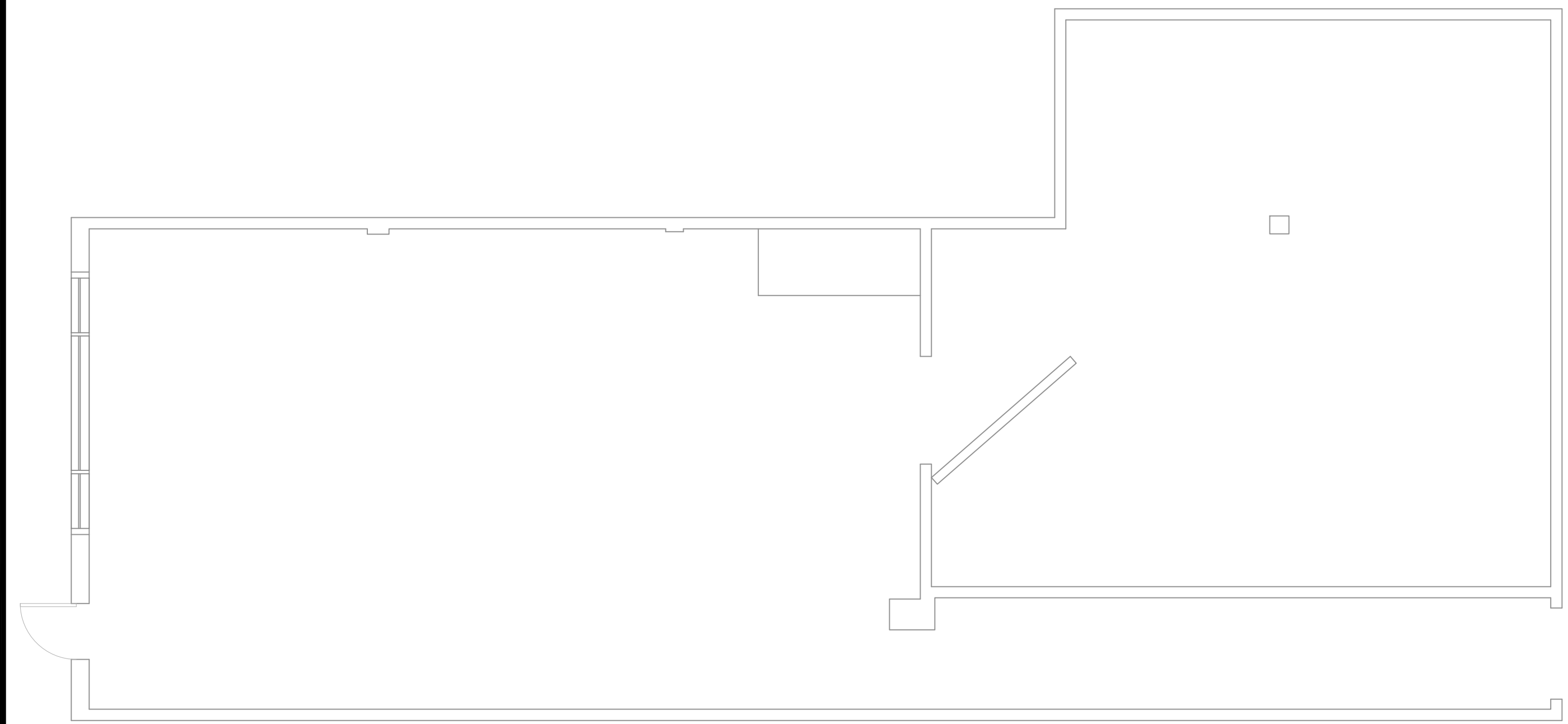
Harwich Planning Board

537 Route 28, Harwich port

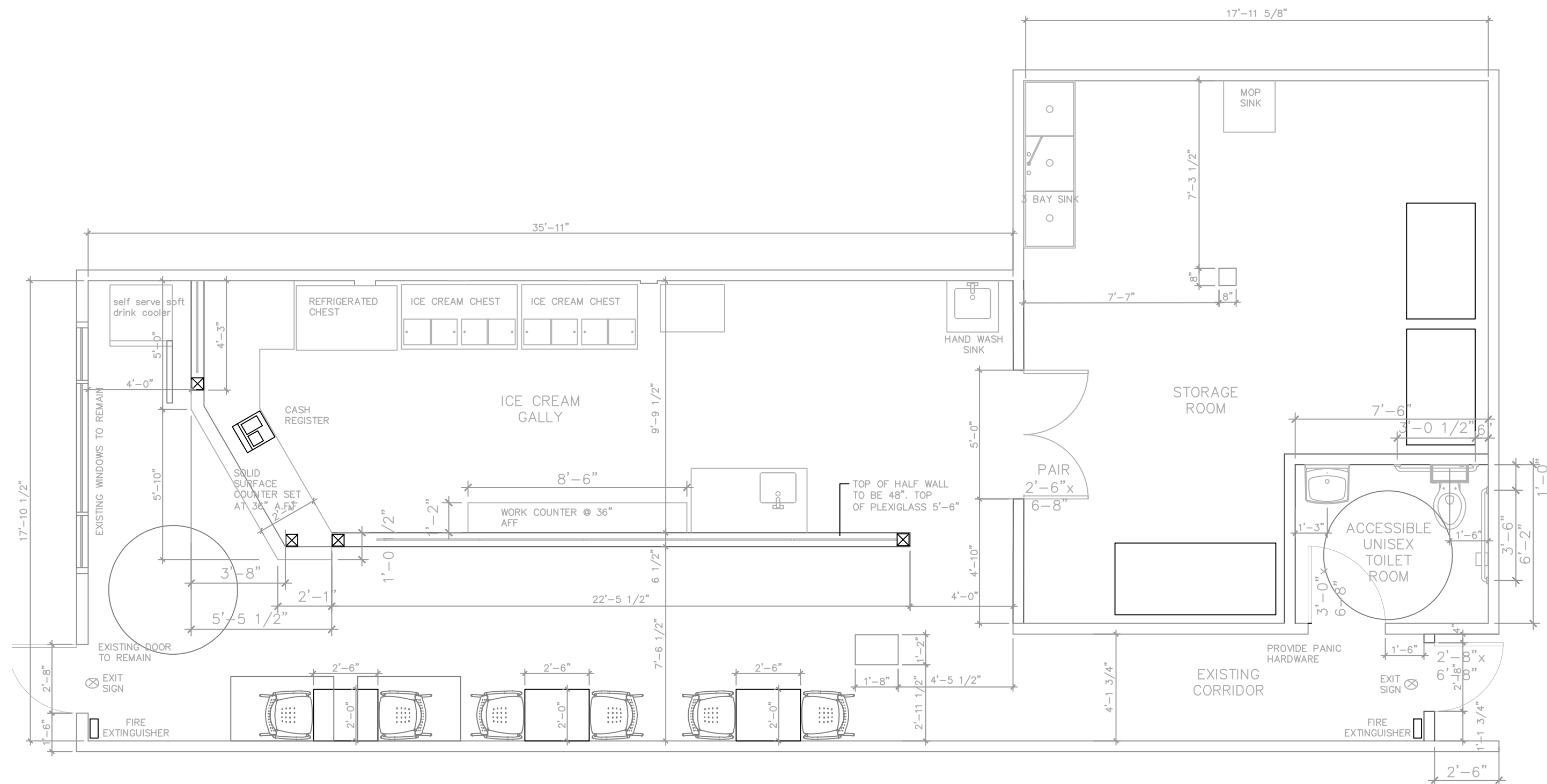
Site Plan Waiver

Seagulls LLC ["Applicant"], is a tenant at 537 Route 28 in Harwich port ["Property"]. The Property, which is shown as Parcel U5-1 on Harwich Assessor's Map 14, is located in the C-V and RH-1 Zoning Districts and is improved with a mixed-use building containing a dwelling unit and commercial units on the second floor and commercial units on the first floor. The applicant has rented Unit 1C on the first floor and is seeking to open an Ice Cream Shop at the location. Seagulls LLC requests a site plan waiver as the applicant will not be making any exterior modifications to the building or parking lot. Seagulls LLC is not substantially changing the relationship of the structure to the site or to abutting properties and structures.

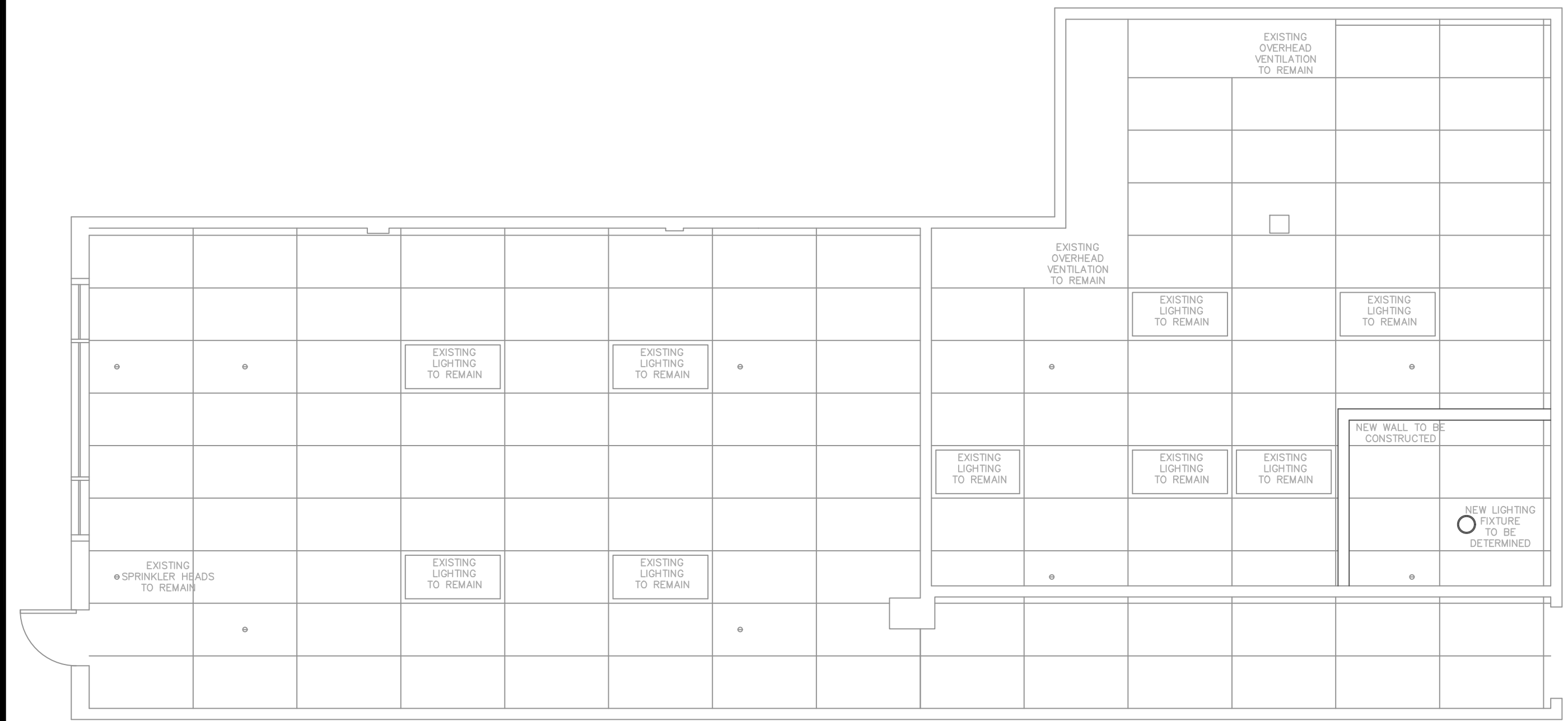




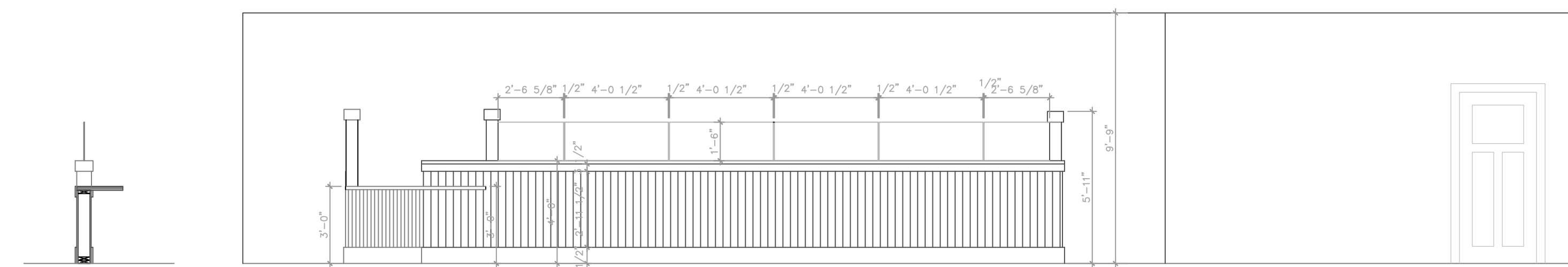
EXISTING FLOOR PLAN  
SCALE: 1/4"=1'-0"



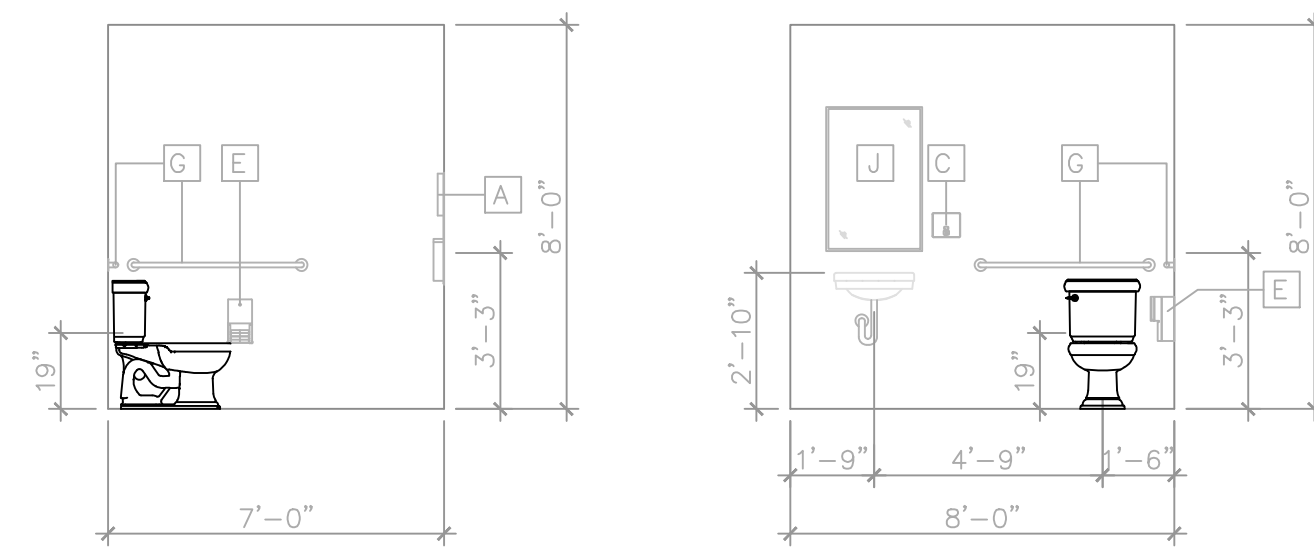
PROPOSED FLOOR PLAN  
SCALE: 1/4"=1'-0"



EXISTING CEILING PLAN  
SCALE: 1/4"=1'-0"



COUNTER / SEPARATION WALL  
SCALE: 1/4"=1'-0"



TOILET ROOM 131 ELEVATIONS  
SCALE: 1/4"=1'-0"

Referenced Codes  
 Massachusetts State Building Code CMR 780 9th Edition (IBC 2015 as amended)  
 Massachusetts State Plumbing Code CMR 248  
 2015 International Building Code  
 2015 Existing Building Code

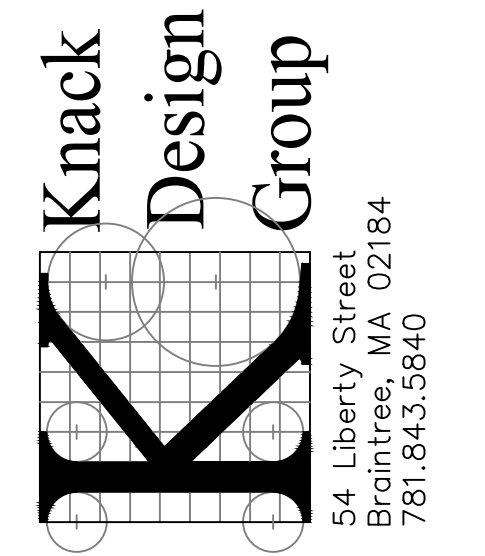
Construction Type 5 (combustible) / Two Story Type 5 Construction  
 Travel Distance less than 250 feet

Building Area Tabulation / Use Groups  
 Tenant Area: 1112 SF  
 Business Use Group 303.1.1 Small Buildings and Tenant Spaces.  
 A Building or Tenant Space used for assembly purposes with an occupant load of 50 persons or less shall be classified as Group B (Business) Occupancy  
 Building Use 1 Occupant / 100SF

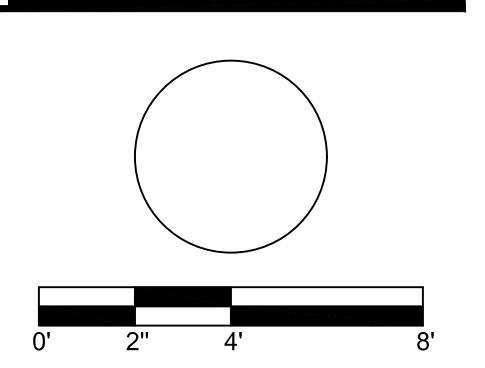
Rev.	Date	Revision Description



**Harwich Port Ice Cream Shop  
Existing Remodel**  
 537 Route 28  
 Harwich Port, Massachusetts 02646



**Floor Plans**



SCALE: 1/4" = 1'-0"  
 DATE: 18 March 2021  
 DRAWN BY:

**A1.0**  
**K237**

**HARWICH PLANNING BOARD  
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH  
VIA REMOTE PARTICIPATION GoToMeeting.com  
TUESDAY APRIL 13, 2021 – 6:30 PM  
MEETING MINUTES**

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

**BOARD MEMBERS ABSENT:** Allen Peterson.

**OTHERS PRESENT:** Meggan Eldredge, Chief David LeBlanc, Joseph Fournier Jr., Kyle T., Linda Roderick, Jodyn, Greg Driscoll, Thomas Johnson, Cynthia Drake.

**CALL TO ORDER** - 6:33 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.

**Continuance: PB2020-28 Cape Cod Oil Company, 6 Station Avenue, Site Plan Review Special Permit**

Chairman Berry reopened the hearing at 6:40 PM. 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.

Greg Driscoll presented the plan to the Board. Desire to expand the business to provide propane in addition to the existing fuel oil. Currently the applicant operates a fuel storage and distribution business on the abutting property. Property is abutted by residential use to the south and the Cape Cod Rail Trail to the north. Property currently has a warehouse type building used for truck maintenance. Above ground tanks were originally proposed. After discussion with the Fire Department, the tanks are now proposed to be underground for safety. Truck parking will be striped. Existing roof drainage will be directed to a runoff system. Proposing to bring a fire

hydrant to the site as part of the emergency plan for the site. Erosion controls are shown on the plan.

Ms. Eldredge read planning board comments.

Administrative requirements have been generally met. Abutter Letters have been attached for your review and consideration. Landscape plans have not been presented. Landscaping along the residential boundaries should be reviewed pursuant to Section 325-43 of the Town Code.

The area marked storage tank area and the stockade fencing along a portion of the north boundary line is encroaching on the Cape Cod Rail Trail. An easement must be provided for continued permission to for this use.

There are three shipping containers and a shed shown on the existing conditions plan. Uses for these items should be determined, particularly the containers if they are to be relocated. If relocated, the plan and approval shall be incorporated into the findings and decision. This may require re-examining the parking schedule.

No free-standing sign (Master Sign) has been shown on the plan.

The original waiver request is no longer required as the applicant has submitted the Drainage and Stormwater Calculations have been submitted and provided to the Town Engineer. However, additional information may be provided at or before the meeting.

Abutters letter attached to packet. Encroachment of fence and use onto Cape Cod Rail Trail land, applicant to resolve this issue. Trailer parking along north side of lot must meet setbacks and revise plan.

Chief LeBlanc spoke in regards to safety concerns. Tanks are now below ground which is much safer than above ground. Comfortable with the design as presented. Feel the features put in place are capable of handling any concerns.

Mr. McParland asked Chief LeBlanc about the hydrant flow test. The test was done and one hydrant is sufficient. Chief LeBlanc confirmed this and said adequate water supply is available.

Mr. Chadwick asked Chief LeBlanc what the buried tanks are going to look like and if there is a potential for a heat source. Chief LeBlanc said that buried tanks are safer and have little likelihood of having a heat source/explosion. Tanks will be covered with earth and fully buried.

Abutter's letters discussed. Truck traffic in early morning hours, hazardous materials, will building be retail use open to the public.

Mr. Chadwick asked if trucks are stored there empty or are they full on site overnight? Jodyn: Transports will be empty, the bobtails will have some propane in case of emergency needs.

Mr. Rouse asked how many additional trucks will be added for distribution. Jodyn replies that he is already in the business now, and takes the existing trucks off site to get the fuel. The same trucks would be fueling onsite instead of offsite. Does not know what the owner's growth plan is.

Ms. Maslowski asked what the delivery times for receipt of fuel will be. Mr. Driscoll said the operational time is 7 am to 5 pm. Jody indicates that this is very flexible. Ms. Maslowski is concerned about noise for abutters, would like more specifics on hours of operation. Also wondering if Conservation looked at the file after the plans were revised or only when the tanks were above ground. Uncertain.

Bobtail trucks run 7 am to 5 pm. These deliver to residential homes. The large tankers leave the site at 4 am. Still not sure of when they arrive. Ms. Maslowski wants to know what the increase in the number of trips to the site is expected to be. Mr. Driscoll said minimal increase because these trucks are already there and it will just be the tankers that are new traffic.

Ms. Maslowski questioned the onsite septic system. Ms. Eldredge indicated that no file exists for this property in the Health Department. An as-built should be drawn up to ensure the system is not within the travel or parking areas.

Mr. Stoltz asked about the site plan and the locus showing Station Ave and a road called Depot Road which runs into where the tanks are going to be. Topo map shows Depot Road but the engineered plan does not show it. Wants clarification.

Mr. Harris asked if the applicant has responded to the abutter's questions and concerns. No, the applicant has not.

Applicant responded to question about hours of operation, said that the time is 7 am to 6 pm for deliveries coming in. Presently has 3 bulk transports a week and hopes to grow that.

Mr. Harris confirmed that the only off hours would be for emergency fills, applicant confirmed that.

Chairman Berry opened the hearing to the public for comments.

Mr. Dan Roderick, 414 Great Western Road spoke asking about studies on catastrophic failure and what it would do to nearby abutters. Chief LeBlanc indicated that underground tanks do not pose a significant hazard for explosion. Jody replied that heat and impingent is required to cause an explosion. Heat risk is eliminated by putting the tanks underground. Facility is protected against fire.

Mr. Stoltz asked what is above ground. Schematic drawing shown and applicant pointed out that there are two pipes sticking out of the ground for filling and distributing.

Linda Roderick, 414 Great Western Road asked how many above ground containers are filled with LP at any one time. Greg Driscoll answered, none. The empty containers are brought to the residential clients and filled at client's site. All safety measures are in place for the bulk plan and on the trucks. Propane industry has a certified training program and all drivers must be certified. Ms. Roderick asked how long the tanks are viable for underground. Jody replied that the applicant monitors that and there is an inspection program and an operation and maintenance program in place.

Further discussion regarding the safety of the tanks ensued.

Mr. Stoltz indicated that he is uncomfortable voting until the applicant can clarify the Depot Road location on the plan. He said the front page of the locus Depot Road is shown, but on the site plan it is not. He would like our engineer and the applicants engineer to determine if this road actually exists. Mr. Driscoll indicated that a professional land surveyor has determined that the plan is accurate.

Ed Braz, abutter, spoke and asked about time restrictions for operations. Ms. Eldredge indicated that hours of operation can be imposed by the planning board.

Mr. McParland moved to continue the hearing to May 11, 2021 no earlier than 6:30 pm. Seconded by Mr. Stoltz.

The board requested that the following information be provided:

1. Depot Road spur
2. Time restrictions on existing business, was there a site plan review?
3. Did Conservation see the latest revision on the plan?
4. Location of the septic system.
5. A fence or screening between the site and abutters.

Unanimously so voted by roll call (7-0-0)

## **ZONING ARTICLES:**

Chairman Berry opened the public hearing at 7:50 PM. and read the first Article as follows:

Zoning Article 39: 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.

This article has been placed on the 2021 Annual Town Meeting Warrant.

A brief discussion ensued. Chairman Berry asked for comments and questions from the board. Ms. Maslowski indicated that she would like this article to move forward. No other comments were made.

The hearing was opened to the public for comment. No public comments.

Mr. McParland moved to close the public hearing and accept the motion to recommend this article for approval at Town Meeting, seconded by Mr. Chadwick. Motion carried by roll call, unanimous (7-0-0).



Chairman Berry opened the hearing for the second zoning amendment and read the public hearing notice.

Ms. Eldredge explained the next proposed zoning amendment relative to the MRL and MRL-1 parking setbacks was not accepted into the 2021 Annual Town Meeting Warrant.

Ms. Maslowski explained that the desire of the Board is to complete the public hearing process for this amendment.

Mr. McParland moved to continue this hearing until April 27, 2021 no earlier than 6:30 pm. Mr. Chadwick seconded the motion, unanimously so voted via roll call (7-0-0).

### **Public Meetings**

#### **Waiver of Site Plan - PB2021-05 Allen Harbor yacht Club, John T. Blute, Commodore**

Joe McParland recused himself from this hearing.

Chairman Berry opened the hearing. The representative seeks approval of the Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55. F to expand the first floor deck, expand and replace the lower patio, rework the handicapped ramp into the new deck expansion area and the plan demonstrates proposed fencing and handicapped parking spaces additions. The property is located at 371 Lower County Road, Map 13, Parcel P1-3, -4 and -4A, in the RH-1 zoning district.

Joseph Fournier represented the applicant and explained the work proposed. The decks are in poor condition and need repair. Upgrades to the handicapped access will be done as well. The patio on the lower level will be improved to carry the upper deck, better drainage runoff, handicap upgrade and loading section in addition to the paved turnaround entry.

Ms. Maslowski indicated that many upgrades that are proposed were not in the narrative. Mr. Fournier replied that some items are for future improvements and they understand the need to return for a full site plan review if and when those improvements are moving forward.

Ms. Eldredge read staff comments. There is not a current approved site plan in the packet to compare with, board members would like this to be found and a new plan submitted by applicant to show only the items that are being proposed by this waiver request.

A discussion on what is proposed ensued. It was understood that this waiver request is for only what was listed on the narrative provided in the application.

Motion to adopt findings made by Ms. Maslowski, second by Mr. Chadwick. Voted via roll call (6-0-1) (McParland abstain).

Motion to approve the waiver of site plan made by Ms. Maslowski, second by Mr. Chadwick. Voted via roll call. Aye 5, Nay 1, abstain 1. Aye: Berry, Chadwick, Harris, Maslowski, Rouse. Nay: Stoltz, Abstain: McParland.

Old Business:

**PB2007-36 South Westgate Covenant Release request**

Chairman Berry read the notice and requested staff comments. Ms. Eldredge read the staff report. Staff recommends lot 4 to be held in covenant while outstanding issues are resolved.

Mr. Mark Zippo was present. Ms. Maslowski motioned to approve the partial release of lots, lot #4 be restricted. Seconded by Mr. Rouse.

No further discussion was heard. Voted by roll call: 7-0 in favor.

**PB2016-05 Denwich Road Covenant Release request**

Chairman Berry read the notice and requested staff comments. Ms. Eldredge read the staff report which included the recommendation to hold one lot in covenant while outstanding issues are resolved.

No one from the public was present. Ms. Maslowski motioned to approve the partial release of two lots #2 and #3 and that lot # 1 to be continued to be held in covenant and agreement. Seconded by Mr. Chadwick. No further discussion was heard.

Voted by roll call: 7-0 in favor.

**BRIEFINGS AND REPORTS BY BOARD MEMBERS**

Ms. Maslowski updated the Board that CPC items have been recommended to be on the Annual Town meeting warrant.

Ms. Eldredge announced the hiring of a new Town Planner, Jon Idman who is set to start the first week of May.

**ADJOURNMENT:**

Mr. Chadwick made the motion to adjourn at 8:44 PM, seconded by Mr. Stoltz, unanimously so voted via roll call.

Respectfully Submitted,  
Meggan M. Eldredge  
Adopted:

**HARWICH PLANNING BOARD**  
**HARWICH TOWN HALL - 732 MAIN STREET, HARWICH**  
**VIA REMOTE PARTICIPATION GoToMeeting.com**  
**TUESDAY APRIL 27, 2021 – 6:30 PM**  
**MEETING MINUTES**

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

**BOARD MEMBERS ABSENT:** none

**OTHERS PRESENT:** Meggan Eldredge, Saumil Patel, Peter Antonellis, Michael Sharlet, Michael Ford, David Michniewicz, others via phone

**CALL TO ORDER** - 6:33 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.

**PUBLIC HEARINGS**

**PB2021-04 711 Main Street LLC**, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 and PB2020-31 to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail. 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. *Continued from March 23, 2021*

Chairman Berry read the notice and opened the hearing. Mr. Patel addressed the Board and indicated that he has spoken with the abutters and they have come to an agreement on the fence. A revised plan has been submitted that shows a six foot fence at the edge of the parking lot. Abutter Peter Antonellis was recognized and pointed out that the agenda still indicates that the fence will be attached to the guard rail, and it is now proposed to be placed into the ground behind the guardrail. He is ok with the plan as proposed.

Plans were reviewed and consensus was made that the proposed fence is one foot off the guard rail and is six feet high. No comment were heard from the public or the Board.

Ms. Maslowski moved to close the public hearing. Second by Chadwick. Voted by roll call, 8-0 unanimously in favor.

Ms. Maslowski moved to vote to adopt the proposed findings of facts.

1. The property is located within the CV and Harwich Center Overlay Districts.
2. The Board referred to the submitted application, supporting documents and plans entitled "Site Layout Plan", Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., Issue date 04/19/21, Scale 1" = 20', Sheet 1 of 1 and "Cedar Fence Detail", Proposed Convenience Store/Deli & Apartment, 711 Main Street, Harwich, prepared by Choubah Engineering Group, P.C., issue date, 04/19/2021, Scale as shown, Sheet 1 of 1.
3. The relocation of fence will not impact the site or the uses on the property and may provide for better vehicle headlamp shielding for the neighboring properties at the rear.
4. The modification to the site as developed will not adversely affect the neighborhood.
5. There will be no nuisance or serious hazard to vehicles or pedestrians.
6. All conditions and provisions of cases PB2019-18 and PB2020-31 Site Plan Special Permits shall continue to be observed/enforced.
7. The specific site is an appropriate location for such a use, structure or condition.
8. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Motion seconded by David Harris. No further discussion was had. Voted by roll call, 8-0 unanimously in favor.

Ms. Maslowski motioned and Mr. Harris seconded a motion to approve with conditions the Site Plan Special Permit Modification application and plans for 711 Main Street LLC, Saumil Patel - Manager, to relocate the fence from the southerly property line to just off the rear parking lot. The fence shall be 6' and shall not be attached to the guardrail in accordance with the plans submitted. 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. This decision shall be recorded at the Barnstable County Registry of Deeds.
2. Any plans referencing a 4' fence or a fence attached to the guardrail shall be amended and filed with the final As-built.
3. All conditions and provisions of the PB2019-18 and 2020-31 Site Plan Special Permit shall continue to be observed/enforced and shall continue to run with this decision, except as expressly modified herein.

Voted by roll call, 8-0 unanimously in favor.

**PB2021-06 Wychmere Harbor Real Estate, LLC** Andrew Singer, Esq., representative has applied to amend to the Site Plan Special Permit granted in PB2020-22 to convert 8,828 SF of Player's Best natural lawn panels at the Beach Club to SynLawn plant based artificial grass, and to convert two approved panels of SynLawn, totaling 1,110 SF back to decking on the lower level. The application is pursuant to the Code of the Town of Harwich §325-55 - Site Plan Review and Chapter 400. The property is located at 23 Snow Inn Road, Unit 12, Map 8, Parcel P2-12 in the RH-3 and R-L Zoning Districts.

Chairman Berry read the notice and opened the hearing. Attorney Andrew Singer represented the applicant and explained the project as a minor landscape change within the pool area. Artificial grass is proposed to replace the natural lawn.

Ms. Eldredge read the staff comments and made the statement that the application meets all administrative requirements. Chairman Berry opened the hearing up to comments.

Mr. McParland asked about the current construction going on the property. Mr. Singer replied that the new restaurant is duly permitted and undergoing construction.

No questions from the public were made.

Ms. Maslowski motioned to close the public hearing. Seconded by Mr. Chadwick. Voted by roll call, 8-0 unanimously in favor.

Ms. Maslowski made a motion, seconded by Mr. Harris, to adopt the following findings of facts:

1. The property is located at 23 Snow Inn Road and is located within the RH-3 and RL Zoning Districts.
2. The Board referred to the submitted application, supporting documents and the plan entitled "Plan Showing Proposed Turf Conversion at Wychmere Beach Club" prepared by Coastal Engineering Co., David J. Michniewicz, P.E., dated 03-19-2021, scale as noted, Sheet C2.2.1.
3. The Conservation Commission approved the changes with conditions pursuant to their jurisdiction.
4. The landscaping change will not create any issues or hazards for pedestrians, vehicles, facilities or neighborhood characteristics.
5. The Health department stated that all requirements in 105 CMR 435.00 shall be met.

Voted by roll call. Aye: Stoltz, Rouse, Peterson, Maslowski, McParland, Harris, Chadwick, Berry (8-0) in favor.

Ms. Maslowski motioned, seconded by Mr. McParland, to approve with conditions the Site Plan Special Permit Modification for the application of PB2021-06 Wychmere Harbor Real Estate, LLC. The decision is based on the aforementioned findings of facts and the application meets the necessary requirements and criteria for approval. Approval is subject to the following conditions:

- a. All previous conditions under PB2020-32 shall apply, except as expressly modified herein;
- b. Any conditions imposed by the Board of Appeals (BOA) may necessitate further Planning Board Review. Any conditions imposed by BOA shall apply;
- c. This decision shall not be fully effective until recorded at the Barnstable Registry of Deeds.
- d. Final As-built plans shall be submitted before occupancy is permitted.

Voted by roll call, 8-0 unanimously in favor.

## **PUBLIC MEETING**

**PB2021-07 Walter J. & Vonda L. Moberg**, as owners and applicants and Walter J. Moberg, Jr. owner, through their representative, Ford and Ford, Attorneys at Law, seek approval to reconfigure two adjoining lots following the grant of relief by the Zoning Board of Appeals and as set forth in M.G.L. c. 41 §81 K-GG and more specifically §81. P (Approval Not Required). The parcels are

identified as 1112 and 1110 Queen Anne Lane, Map 75, Parcels S5 and S6 respectively are in the R-R & W-R zoning districts.

Chairman Berry read the notice. Mr. Michael Ford was present to represent the applicants. He explained that this is a division of land between two existing properties. This reconfiguration will more evenly distribute the land between the properties. This has been approved by ZBA and the applicants understand the limitations of the Health Department.

Ms. Eldredge offered staff comments that support the approval of the ANR.

Ms. Maslowski motioned to endorse the ANR plan entitled "Approval Not Required", prepared by Terry A. Warner, P.L.S., dated September 24, 2019 and revised to 03/19/2021. Motion seconded by Mr. Rouse. No further discussion.

Voted by Roll Call: 8-0 unanimously in favor.

**PB2021-08 Eastward Homes Business Trust, Eastward MBT, LLC, TR.,** as applicants and owners, seek approval to reconfigure three existing lots into five lots as set forth in M.G.L. c. 41 §81 K-GG and more specifically §81. P (Approval Not Required). The parcels are identified as 16 Bascom Hollow, 1522 Orleans Road and a parcel 1.4 ac. "+" described by Commissioner's Deed Book 33587, Page 218 and shown as Parcel 1#7 in Plan Book 686, Page 11. The parcels as shown on Assessor's Map 97, Parcels B2-12, -3 and 'Owners Unknown' respectively. The parcels are in the R-R & W-R zoning districts. The plan is entitled "Division Plan" prepared by Donald T. Poole, P.L.S., dated March 18, 2021.

Chairman Berry read a request to continue provided by the applicants dated March 23, 2021. Mr. McParland motioned to continue the hearing until May 11, 2021 no earlier than 6:30 pm.

Seconded by Mr. Harris. No further discussion was made.

Voted by roll call: 8-0, unanimously in favor.

### **Zoning Article: Parking setback in the MRL and MRL-1 zoning districts.**

This hearing was continued from the April 13, 2021 meeting. Chairman Berry opened the hearing and read the proposed language:

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.

Discussion among the board members ensued. The 2021 Annual Town Meeting warrant does not include this article. Mr. Stoltz suggested to continue this discussion to a time that the public can participate. Ms. Maslowski asked Ms. Eldredge when in-person meetings may be available again. The August meeting is most likely at this point. Mr. McParland moved to place the article on the August 10, 2021 meeting. Mr. Chadwick said there may be no great rush to put this on an agenda this year, unless there will be a Special Fall Town Meeting. Ms. Maslowski explained that a public hearing is required for zoning by-law changes. Chairman Berry wants to discuss this in June or July. If we don't provide a date certain we need to re-advertise it. It was a discussion of the board to put this article back on an agenda on the June 22<sup>nd</sup> meeting for discussion so the

hearing process can start over, allowing amply public participation. This will give the Board time for a filing deadline of July 6<sup>th</sup>. This will align for an August public hearing.

It was the consensus of the Board to take this approach. Mr. McParland withdrew his motion. No action was taken on this item at this time.

Minutes of previous meetings were reviewed. March 09 and March 23, 2021. No revisions were made. A motion to accept and file the minutes of March 9<sup>th</sup> and 23<sup>rd</sup> was made by Ms. Maslowski seconded by Mr. Chadwick. No discussion. Roll call vote: 8-0, unanimously in favor.

No opinions or discussions were offered on the Zoning Board of Appeals April 28, 2021 referral.

Briefings and Reports: Ms. Maslowski updated the other members on the CPC articles that are scheduled to be heard at town meeting on May 8<sup>th</sup>.

Motion to adjourn made by Ms. Maslowski, seconded by Mr. McParland. Roll call vote 8-0 in favor, unanimous. Meeting adjourned at 7:33 pm

Respectfully Submitted,  
Meggan M. Eldredge

Adopted:





Harwich Planning Board Minutes  
Monomoy Regional High School Football Field  
75 Oak Street, Harwich 50-Yard Line  
Saturday, May 8, 2021 – 9:30 AM

- I. **Call to Order of the Public Meeting** – A quorum of the members was so declared by the Chair.
- II. No review, discussion, or votes were taken related to the proposed Zoning Articles.
- III. **Adjourn** – motion to adjourn carried.

Respectfully submitted,

Elaine Banta

Adopted:

**HARWICH PLANNING BOARD  
TUESDAY May 11, 2021  
MEETING MINUTES**

**BOARD MEMBERS PRESENT:** Acting Chair Allen Peterson; David Harris; William Stoltz; Joe McParland; Arthur Rouse; and Craig Chadwick.

**BOARD MEMBERS ABSENT:** Chair Duncan Berry; Mary Maslowski

**OTHERS PRESENT:** Jon Idman (Harwich Planning Director), Hurst Tasha, Jody Ameden, Greg Driscoll, Linda Roderick, Ed Braz

**CALL TO ORDER** – Mr. Peterson called the meeting to order at 6:30 PM having established a quorum of members present through roll call. He noted that the meeting was being held with all members participating remotely via the **GoToMeeting.com** platform 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

***Public Meeting***

***Continuance: PB2021-08 Eastward Homes Business Trust***

Proposed Bascom Hollow/ Orleans Road ‘Approval Not Required’ Division Plan. Mr. Peterson noted a letter from the Applicant dated May 11, 2021 requesting to further continue the matter to the Board’s regularly scheduled meeting of July 13, 2021. Mr. Idman described his and Health Director Dr. O’Neill’s discussions with the Applicant that precipitated the continuance request. He also mentioned that in the letter the Applicant waived the applicable time period for the Board to act under the Subdivision Control Law. Mr. Idman also explained that Mr. Rouse could not participate in the vote on the matter as an associate member because the Subdivision Control Law does not recognize associate board members. Mr. Chadwick moved to continue the matter to the meeting of July 13, 2021, to begin no earlier than 6:30 pm. Seconded by Mr. Harris. No further discussion. Voted by roll call: the motion carried 4-0 (Mr. Rouse abstaining). The Continuance was granted.

***Public Hearing***

**Continuance: PB2020-28 Cape Cod Oil Company, 6 Station Ave., Site Plan Special Permit**

Mr. Peterson opened the continued hearing and, as he missed the prior hearing on the matter, certified that he examined all evidence received at the missed session, and said that he provided such certification in writing. He then asked that the Applicant’s Engineer, Greg Driscoll, to provide updates on the matter since the last hearing. Mr. Driscoll stated that he was joined by the applicant, Hurst Tasha, and the propane consultant, Jody Ameden. Mr. Driscoll referred to and read a memorandum he submitted to the Board dated May 3, 2021 which responded to and provided updates concerning comments provided at the April 13, 2021 hearing on the matter.

In particular, he said that he had reviewed the legal road layout of Station Avenue (formerly known as Depot Street) and Main Street and the layout is accurately reflected on the submitted site plan; no portion of a road layout or improved roadway extends onto the project site. He also

screen-shared the site plan revised from the last hearing to display where new parking trailer spaces were delineated and where storage containers would be re-located. He said that the only new traffic would be three new fuel delivery trucks to the site per week. He said that hours of site operations are proposed to remain the same.

Mr. Peterson then asked for comments from Mr. Idman, who referred to his staff report on the matter provided to the Board for the hearing. In particular, he reviewed the recommended findings and conditions from the report. In addition to recommended conditions generally applicable to any decision of approval, he referenced recommended special conditions as follows: retention of the vegetated buffer to the south of the site; moving an existing storage tank out of a wetlands buffer zone; and relocating storage trailers on-site. He said that he also researched the Station Avenue road layout issue at the Registry of Deeds and agreed that the road layout reflected in the site plans is accurate. He said that he didn't see that it was necessary to require that the applicant move an existing fence out of the state rail trail layout to the north of the site; it is the state's jurisdiction and not the town's to do so, and the fence performs an important screening function of the industrial site from the rail trail. He said that he had discussed the updated drainage report/ plan with the Town Engineer and the Town Engineer confirmed that it met the requirements of the Code and would serve the practical needs of the proposed development. He added that where this matter is a special permit, Mr. Rouse could participate in the vote. He finished by stating that staff recommends approval of the site plan special permit, in light of and subject to the findings and conditions in the staff report.

Mr. Peterson took comments from the Board.

Mr. Chadwick asked Mr. Idman whether the Board could condition approval on the fence remaining on the State property. Mr. Idman suggested that the Board could condition that a stockade type fence be maintained on or along the northern property line, which would address a situation where the existing fence might be removed or fall into disrepair in the future. Such a condition would require that some similar type fence be maintained, even as a replacement, to screen the site from the north as a permanent permit requirement.

Mr. Chadwick then asked what was stored in the storage containers on-site. Mr. Tasha, owner and applicant, stated that truck parts were stored, but no fuel, propane or anything hazardous.

Mr. Rouse asked how many days per week the business would operate. Mr. Tasha said generally 5, but in the cold of winter it could be 6 days.

Mr. Harris confirmed with Mr. Idman that the fence condition discussed with Mr. Chadwick could be added to the decision in addition to those recommended conditions set out in the staff report.

Mr. Peterson took public comment.

Mr. Ed Braz, abutter at 24 Great Western Road, asked about permit conditions affecting the applicant's neighboring property. Mr. Idman said he did not research or pursue that issue

leading up to the hearing, but added that the other property was not currently before the Board for review.

Member Mr. Stolz then asked the applicant whether early morning (3 or 4 AM) truck trips from the site could be changed. Mr. Tasha said that his trucks from the site might leave that early, but fuel deliveries would never be made to the site to fill the propane tanks that early.

Abutter Linda Roderick, 414 Great Western Road, said that trucks often leave between 2 and 4 in the morning which is noisy. She wants to know if more trucks will leave that early because of the new propane tanks, and wonders why any trucks need to leave that early. She says the noise wakes her up.

Mr. Tasha said that additional trucks won't leave early on account of the new tanks.

Ms. Roderick asked whether the State Fire Marshall has signed off on the project.

Ms. Ameden said the State Fire Marshall will not review until local approvals have issued, including the local fire dept.

Mr. Braz asked about town laws that regulate fuel delivery uses. Mr. Idman discussed the Harwich Code and permitting for uses such as the one proposed.

Mr. Braz asked about limiting hours of operation as part of the site plan approval.

Mr. Idman cautioned about imposing a condition that could be an effective denial of the use, which is permitted by right in the Industrial District. He said the nature of the business is to begin deliveries early. The Board cannot deny site plan approval for uses allowed by right. He encouraged the Board to discuss such a condition with Mr. Tasha prior to voting to adopt, to determine whether it would be reasonable in light of the use.

Mr. Stoltz suggested limiting deliveries to or from the site to certain days and times, in light of neighbor concerns.

Mr. Peterson asked how greatly such a condition would impede the business.

Mr. Tasha said it would greatly impede the business where deliveries are made all across the Cape, including to municipal offices, and sometimes in emergency situations in winter.

Ms. Roderick asked whether trucks that use the site are all the applicant's or whether others use the site.

Mr. Tasha said that no other trucks use the site but his. He said that there may be other large trucks in the neighborhood that idle in the early morning that aren't his.

Mr. Peterson said that he is comfortable moving to a vote with the findings and conditions that have been discussed and presented in the staff report.

The members discussed with Mr. Idman his recommendations about how the additional condition for the northerly fence should be drafted, i.e. should it necessarily be relocated to the applicant's property line now or in the future. The members also discussed the ownership of the fence. Mr. Idman said that he is comfortable with the language previously discussed with Mr. Chadwick.

Mr. Harris moved to adopt the recommended findings and conditions set out in the May 11, 2021 staff report on the matter, with the additional condition that a stockade or similar type fence be maintained on or along the northern property line, and to approve the site plan special permit in case no. PB 2020-28, Cape Cod Oil, 6 Station Avenue, subject to said conditions. Seconded by Mr. Chadwick. Voted by roll call: the motion carried 6-0. The site plan special permit was granted with conditions.

### **ADVISORY OPINIONS**

The Board reviewed the May 26, 2021 Board of Appeals agenda. The Planning Board did not move to provide any advisory opinion on the matters presented in said agenda to the Board of Appeals.

### **ADJOURNMENT**

Mr. Harris made the motion to adjourn at 7:32 PM, seconded by Mr. Stolz. Voted by roll call: the motion carried 6-0.

### **MATERIALS USED AT THE MEETING**

- Staff Report, including recommended findings and conditions, for Case No. PB2020-28 dated May 11, 2021
- Memorandum from Driscoll Engineering dated May 3, 2021 on behalf of Cape Cod Oil responding to comments from April 13, 2021 public hearing
- Cape Cod Oil Site Plan Set revised dated 5/3/2021
- Continuance Request Letter dated May 11, 2021 in Case No. PB2021-08 from Applicant Eastward Homes Business Trust

Respectfully Submitted,  
Jon Idman

Adopted:



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](http://MASS.GOV/MASSWILDLIFE)

DATE: April 23, 2021  
TO: Planning Board  
RE: Draft Priority Habitat Map of rare species available for public comment, May 3, 2021 through July 3, 2021

Dear Planning Board:

Pursuant to the Massachusetts Endangered Species Act (MESA, M.G.L. c. 131A) and its implementing regulations (321 CMR 10.12), the Natural Heritage and Endangered Species Program (NHESP) of the Division of Fisheries and Wildlife (Division) would like to inform you of the availability of the DRAFT Priority Habitat map for public comment beginning on May 3, 2021 at [www.mass.gov/nhesp/mapcomment](http://www.mass.gov/nhesp/mapcomment). The DRAFT map has been revised to reflect new biological information, as well as land use changes. *Specifically, the Division is requesting public comment on the status of areas proposed for delineation or removal as Priority Habitat regarding the physical or biological features of the habitat, or the current scope of existing development in the area.*

**PLEASE NOTE:** The DRAFT Priority Habitat Map for the 15<sup>th</sup> Edition of the Natural Heritage Atlas should be used for commenting purposes only and not for project planning or regulatory review. The 14<sup>th</sup> Edition Atlas (available through the Division website located at [www.mass.gov/nhesp](http://www.mass.gov/nhesp)) is still in effect until the 15<sup>th</sup> Edition is officially published.

This comment period will end on July 3, 2021. Please encourage your constituents to view the DRAFT map and participate in the public comment period. Written comments on the proposed Priority Habitat map may be submitted to the Division electronically as explained on the above referenced website, or by submitting them to the Division at the following address:

Division of Fisheries & Wildlife  
Natural Heritage & Endangered Species Program  
Attn: Priority Habitat Comments  
1 Rabbit Hill Road  
Westborough, MA 01581

If you have additional questions regarding this notification, please contact NHESP at [natural.heritage@mass.gov](mailto:natural.heritage@mass.gov) or (508) 389-6360.

**Thank you for working with us to protect the Commonwealth's endangered species.**

MASSWILDLIFE