

HARWICH PLANNING BOARD  
PUBLIC HEARING NOTICE

The Harwich Planning Board will hold public hearings no earlier than 6:30 PM on Tuesday, March 9, 2021 to consider the following application(s). The meeting is via Remote Participation ONLY. Anyone having an interest in the application(s) is invited to access the meeting via GoToMeeting.com. Instructions regarding how to access and participate in the meeting will be posted on the Planning Board's Agenda page for the date of the meeting: [2021 Planning Board Meeting Agendas | Harwich MA \(harwich-ma.gov\)](#). The application and plans can be accessed using the same website link posted under Planning Board Legal Notice for the meeting date or by emailing the Planning Department staff.

**PB2021-02 Richton Investment LLC**, owners, Christopher Pepe, tenant, William D. Crowell, Esq., representative, seek approval of a Waiver of Site Plan and Retail Use Special Permit with waivers pursuant to the Code of the Town of Harwich §§325-55.F, -149 and -152.B to convert the pre-existing, non-conforming restaurant and operate a bait and tackle shop under 1,000 SF in a non-historic structure. The property is located at 11 Route 28, Map 10 Parcel N3, in the CH-1, RH-1 and the West Harwich Special District (WHSD) zoning districts.

**PB2021-03 Deerfield Nominee Trust, William Marsh, TR., as owner**, seeks approval of amendment to a Site Plan Review Special Permit and for a Use Special Permit for manufacturing (2-bays) pursuant to the Code of the Town of Harwich §325-51 and -55. The property is located at 4 Deerfield Road, Map 45 Parcel T1-7 in the I-L zoning district.

Written comments may be submitted to the Planning Board at the address shown below or emailing the Planning Assistant, Elaine Banta, at [ebanta@town.harwich.ma.us](mailto:ebanta@town.harwich.ma.us).

All documents related to the above cases are available on the Planning Board website or may be viewed by appointment only at the Planning Department, Town Hall, 732 Main Street, Harwich, MA 02645.

In accordance with state law, this legal notice will also be available electronically at '[www.masspublicnotices.org](http://www.masspublicnotices.org).' The Town is not responsible for any errors in the electronic posting of this legal notice.

Duncan Berry, Chair

Cape Cod Chronicle Print Dates: February 18 & 25, 2021



# TOWN OF HARWICH PLANNING DEPARTMENT

## PLANNING BOARD APPLICATION



TO THE TOWN CLERK, HARWICH, MA

DATE 2/2/21

### PART A - APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	<b>RIGHTON INVESTMENT LLC - OWNER CHRISTOPHER PEPE - TENANT</b>
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	<b>William D. Crowell, Esq. 466 Main Street P.O. Box 185 Harwich Port, MA 02646</b>
Mailing address	<b>OWNER - 311 CROOKS AVE, PATERSON, NJ 07503 TENANT - 110 SERB ST., EASTHAM, MA 02642</b>
Town, ST, Zip	
Phone	<b>508-432-1643</b>
Fax	<b>508-430-0631</b>
E-mail	<b>WCROWELL.OFFICE1@COMCAST.NET</b>

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

Applicant

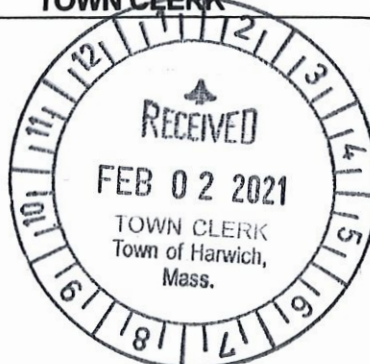
Owner(s) - Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
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Case #

PB 2021-02





### PART B – PROJECT LOCATION

Legal Street Address	11 RTE 28	Village/Zip Code	WEST HAR.
Title Book/Page or L.C.C. #	B 23998 P 34		
Map(s) / Parcel(s)	M 10 PCL A-3		
Zoning & Overlay Districts	CH1, RH1, WHSD	*Historic?	WHSD
Frontage (linear feet)	176+		
Total land area (s.f.)	1.3A ±		
Upland (s.f.)	1.3A ±	Wetlands (s.f.)	N/A

### 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:	Net:
Existing # of parking spaces	Proposed # of parking spaces:	
Existing Use(s)		
Proposed Use(s)		
<i>Attach a separate narrative if necessary.</i>		

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:

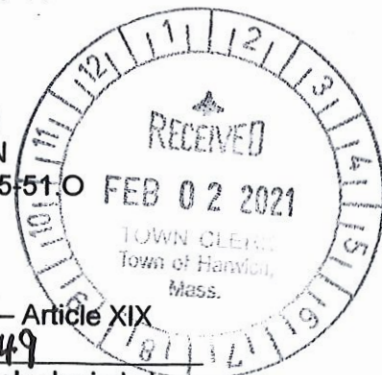
- ☒ Paragraph 325, sub-paragraph # 149      ☐ Paragraph \_\_\_\_\_, sub-paragraph # \_\_\_\_\_
- ☐ Paragraph \_\_\_\_\_, sub-paragraph # \_\_\_\_\_, supplemental regulation # \_\_\_\_\_ § 325-14

#### 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) 325-149
- ☐ 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

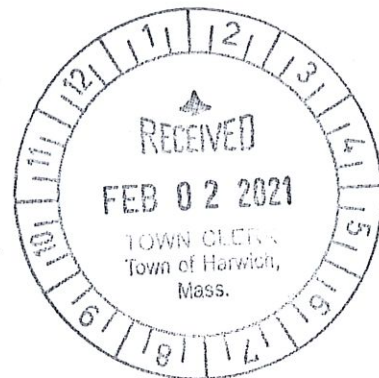
Richton/Pepe

Pursuant to Section 325-55F "Waivers" of the By-Law the Petitioners (owner/tenant) hereby request a Waiver of a Special Permit for Site Plan for the subject property which is located in the new West Harwich Special District (WHSD) (Section 325-144 and following). In accordance with Section 325-152 the Petitioner submits that the structure currently located on the subject premises (the former Veara and Friendly's restaurants) is a pre-existing, non-conforming structure as well as a non-historic structure and the Petitioner seeks to conduct a bait and tackle shop business in said premises. The retail sales space therein will be limited to 950 square feet as per the Sketch Plan dated February 1, 2021 attached hereto. The prior restaurant facility already has a wall separating the "storage and bait" and "restrooms" areas from the 50 x 19 retail sales area. The subject property has only one curb cut to Route 28, no parking in front of the building and an existing landscaped area between the building and Route 28. There will be no demolition to the building which is not a historic structure and the dimensions thereof and existing parking area are pre-existing, non-conforming. See also copies of Site Plans provided by the Planning Department and the Board of Health from the mid-1980's for Friendly's.

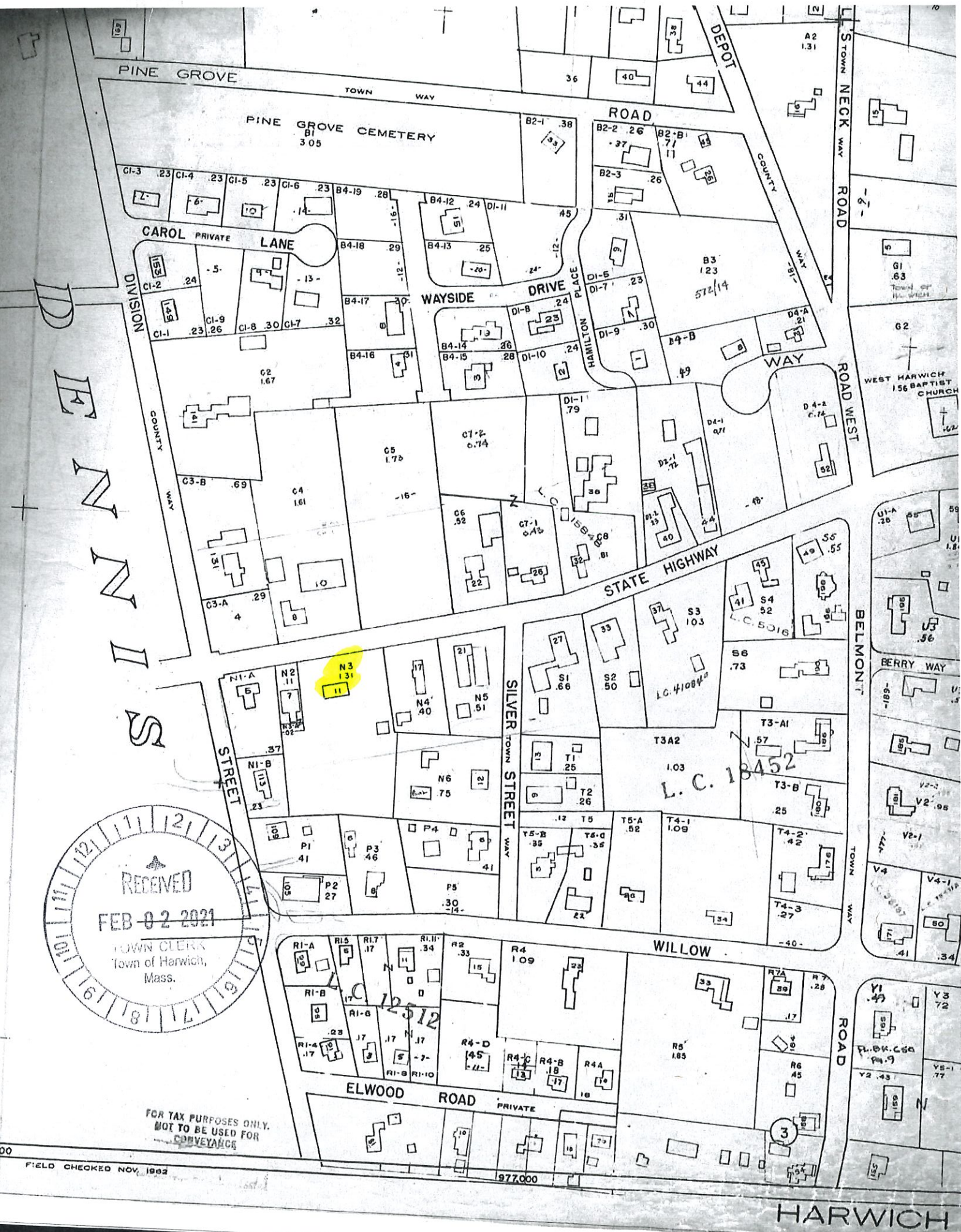
The Petitioner also requests a Special Permit to change the pre-existing, non-conforming restaurant use which was in existence as of December 4, 2019 to a retail sales (bait and tackle shop) in accordance with Section 325-149 on the grounds that the proposed use does not conflict with the purpose of the district as retail sales are allowed in the district in a non-historic building pursuant to the new By-Law.

If and when the Petitioner seeks to expand the retail sales area beyond 950 square feet he will return to this Board for further review.

The Petitioner hereby requests administrative waivers of any and all commercial or residential requirements of the By-Law that are not applicable to this petition.

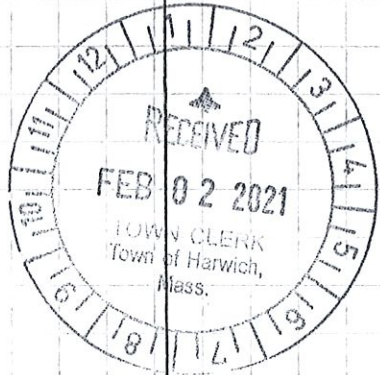








Blackboards Brit  
+ TACKLE



53 FT

Storage + Bait

41 FT

Rest Rooms  
20 FT

12 FT

50 FT

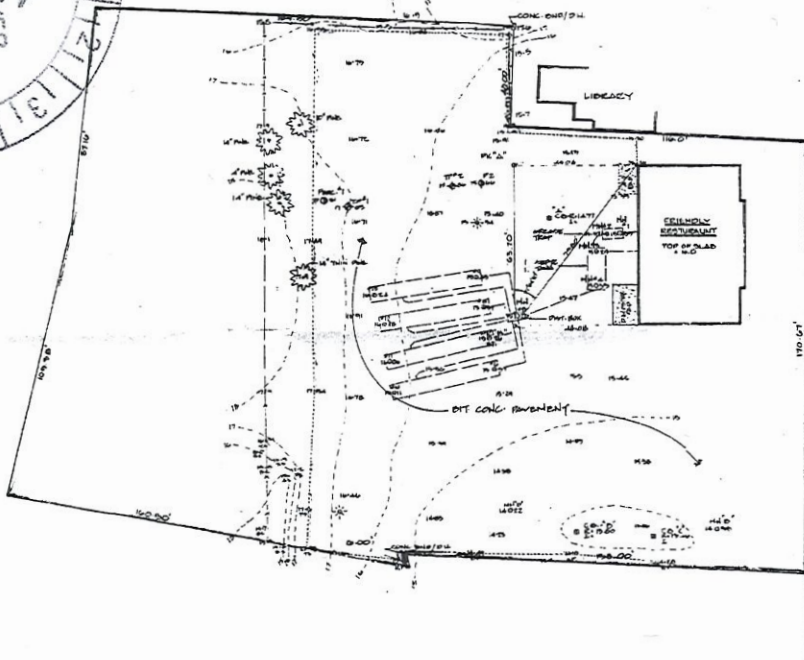
19 FT

Foyer

Door

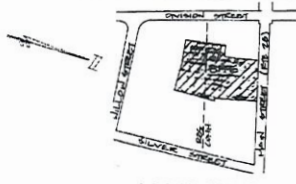
2/1/21





PROPERTY LAW APPROPRIATION TAKEN FROM A PLAN ENTITLED "TOPOGRAPHIC PLAN OF LAND IN HANCOCK, MA., PREPARED FOR FRIENDLY ICE CREAM CORP." DATED FEBRUARY 6, 1975. PREPARED BY HAROLD BOTTEN AND WILLIAMS, INC. SURVEYORS - CIVIL ENGINEERS.

MAIN STREET (RTE. 28)



LOCUS PLAN

[illegible]

\* NOTE: S.H.W.T. CALCULATED BY MARTIN  
MEAN TOWN OF MARSHAL ISLANDS.

SCHEDULE OF ELEV.

SANITARY DISPOSAL SYSTEM

H-1 - GREASE TRAP (N)  
H-2 - GREASE TRAP (WH)  
H-3 - SEPTIC TANK (N)  
H-4 - SEPTIC TANK (WH)  
H-5 - DWT BOX



**LEGEND**

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PERCOLATION TEST #1 = LEAKS THAN  
2 MIN. PER INCH.

PERCOLATION TEST #2 = LEAKS THAN  
2 MIN. PER INCH.

DEPT. TESTS AND PERCOLATION TESTS  
CONDUCTED ON DECEMBER 4, 1966  
AND WITNESSED BY DR. LOVINGSKI.  
MEDICAL BUILDING DEPT.

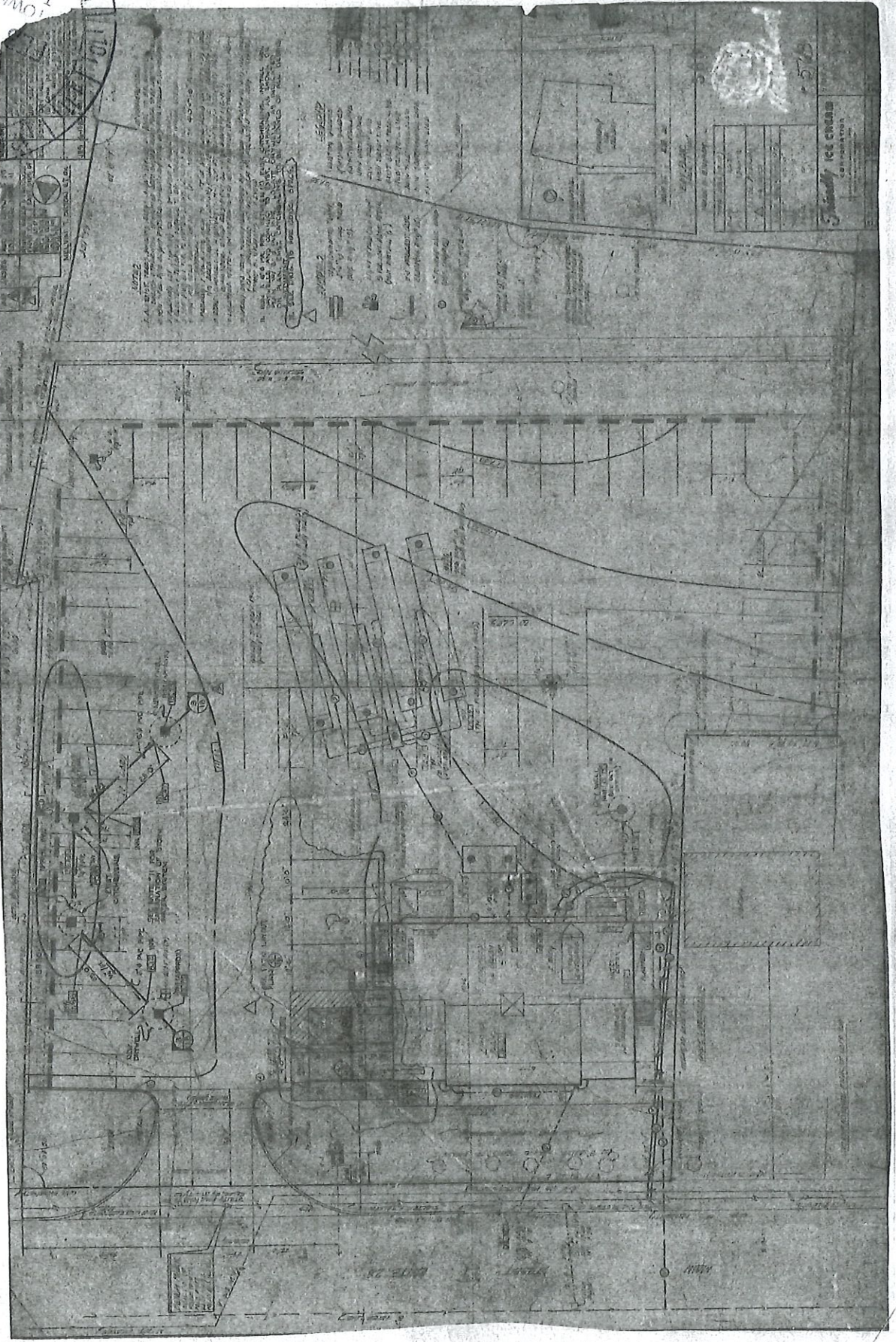
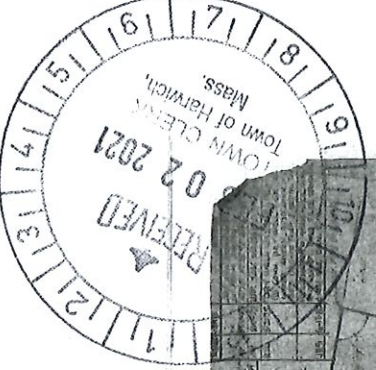
  **Richard F. Kinninski & Associates, Inc.**  
 Architects & Engineers • 300 Sutton St. • 3rd Floor  
 300 Sutton St. • North Andover, MA 01845 • (603) 677-1483

Prepared for **FRIENDLY ICE CREAM CORP**  
 Attention **NATHAN J. MASE**  
 Title \_\_\_\_\_

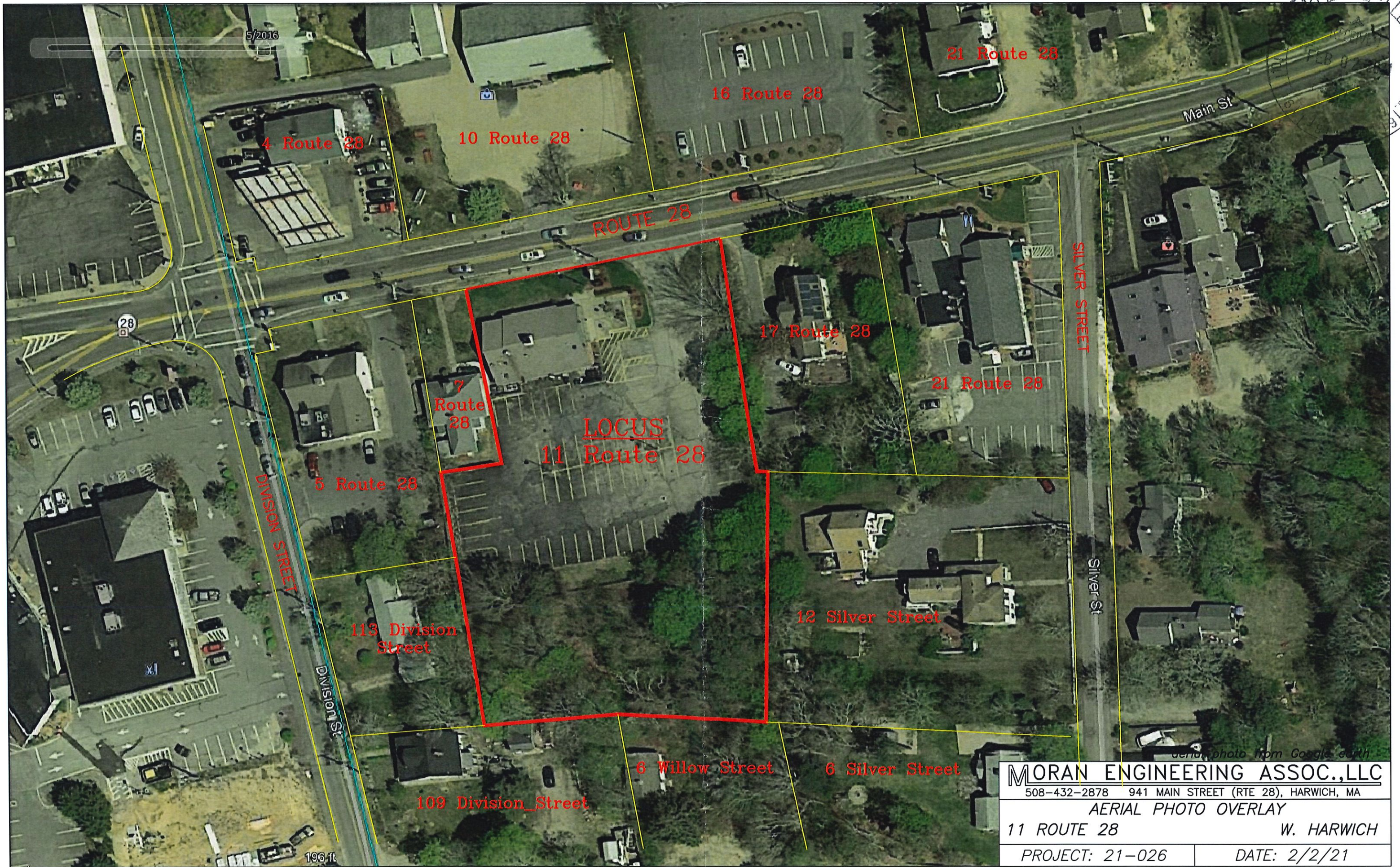
**WORKING DRAWING**

Scale **1" = 20'** Date **DECEMBER 17, 1985**  
 Drawn **G.D.P.** Check **\_\_\_\_\_** Job No. **\_\_\_\_\_**  
 Title **\_\_\_\_\_** Date **\_\_\_\_\_** Job No. **\_\_\_\_\_**  
 Job Number **\_\_\_\_\_** Job No. **\_\_\_\_\_** Job No. **\_\_\_\_\_**  
 Job Title **\_\_\_\_\_** Job No. **\_\_\_\_\_** Job No. **\_\_\_\_\_**









MORAN ENGINEERING ASSOC., LLC

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

AERIAL PHOTO OVERLAY

11 ROUTE 28

W. HARWICH

PROJECT: 21-026

DATE: 2/2/21



REVISED SITE PLAN TO AMEND ORIGINAL SITE PLAN SPECIAL PERMIT

# TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION  
SPECIAL PERMITS & SITE PLAN REVIEW

FORM A



PB2019-36

TO THE TOWN CLERK, HARWICH, MA

DATE 2/2/21

## PART A - APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	WILLIAM MARSH, TRUSTEE DEERFIELD NOMINEE TRUST
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	SUSAN LADUE, REGULATORY SPECIALIST EASTWARD COMPANIES
Mailing address	155 CROWELL ROAD
Town, ST, Zip	CHATHAM, MA 02633
Phone	508-945-2300
Fax	508-945-2374
E-mail	sladue@eastwardco.com

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

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

William Marsh, Trustee

Applicant

SAME AS ABOVE

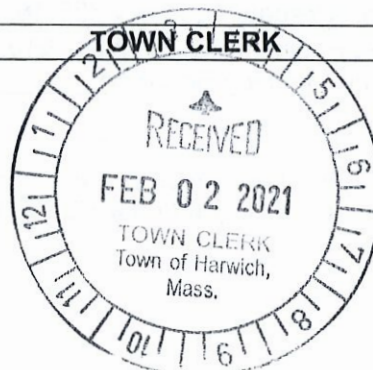
Owner(s) - Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
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Case #

PB 2021 - 03





**PART B – PROJECT LOCATION**

02645

Legal Street Address	4 DEERFIELD RD.	Village/Zip Code	N. HARWICH
Title Book/Page or L.C.C. #	148851		
Map(s) / Parcel(s)	45/T1-7		
Zoning & Overlay Districts	IL	*Historic?	N/A
Frontage (linear feet)	380.43'		
Total land area (s.f.)	20,076 s.f.		
Upland (s.f.)	20,076 s.f.	Wetlands (s.f.)	N/A

**PART C – PROJECT DESCRIPTION**

Existing Floor Area in Sq. Ft	Gross: 5,845 s.f.	Net: 5,845 s.f.
Proposed Floor Area in Sq. Ft	Gross: NO CHANGE	Net: NO CHANGE
Change in Sq. Ft + / -	Gross: N/A	Net: N/A
Existing # of parking spaces	6	Proposed # of parking spaces: NO CHANGE
Existing Use(s)	WAREHOUSE	
Proposed Use(s)	LIGHT MANUFACTURING IN 1,966 s.f. (2 MIDDLE BAYS) AND WAREHOUSE USE IN REMAINING BUILDING AREA - 3,878.5 s.f.	
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:**

SEE ATTACHED LETTER TO PLANNING BOARD

- ☐ 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 # \_\_\_\_\_

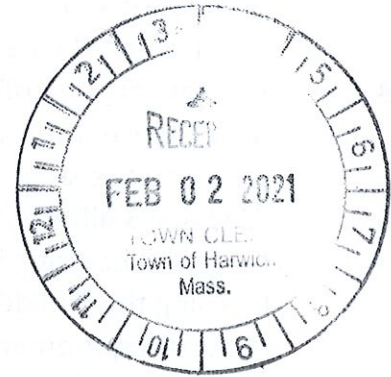
*\*Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District and Historical Commission. Please inquire for forms and instructions.*

September 2011

# EASTWARD COMPANIES

February 2, 2021

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



**RE: 4 (Lot 7) Deerfield Road – Revised Site Plan – PB2019-36**

Dear Members of the Board:

Deerfield Nominee Trust is submitting the attached revised site plan to request an amendment of the original site plan special permit, PB2019-36, that was approved by the Planning Board on November 7, 2019. We are requesting to be scheduled for your meeting on March 9, 2021.

The revised plan includes the following changes from the originally approved site plan:

1. The originally proposed basement level in the building was not constructed. The building is constructed on slab. Therefore, the stairs to the basement were not installed.
2. A gravel bed has been installed around the building as a landscape component to keep the area around the building neat and clean. The gravel bed is also an additional drainage component to assist the installed gutters to downspouts to drywells.
3. The previously proposed foundation landscape beds between the pavement and the building were not installed because it is neater to pave up to the building and requires less maintenance.
4. The stripes for the 2 single parking spaces in front of the garage doors are currently shown as 9.5 feet from the building and will be moved to 11.5 feet from the building, as originally approved. This will be shown on a revised site plan and submitted at least one week before the meeting on 3/9/21.
5. A Cape Cod berm was installed around the perimeter of the parking area, per the details that accompanied the original site plan. We ask that the berm, as installed, be approved.
6. Additional lights have been installed. We feel that the additional lights create a safer site. We will confirm, prior to the public hearing, that the lighting conforms to the Town's Code.



February 2, 2021

Page 2

7. Clark Engineering has confirmed that the existing site coverage number, based on the elimination of the stairs in the rear of the building and the landscape beds between the building and the pavement, is 59.7%, less than the proposed/approved site coverage.
8. Several parking bollards were added around the site for safety. Although not shown on the proposed/approved site plan, it is our experience that these bollards will increase safety on the site.
9. We have 3 different people who have signed leases to occupy space in the building. 2 of these will be using it strictly as warehouse space with no employees. The other lessee will be using the 2 middle bays (1,966.5 s.f.) as light manufacturing with 1 employee. The parking requirement for this use is: 1 per employee maximum shift, plus 1 per 2,500 square feet of floor area. So, our provided parking should remain sufficient. Both uses can be adjusted and shown on a revised site plan to be submitted at least one week before the meeting on 3/9/21.

Please let me know if you have any questions or need additional information.

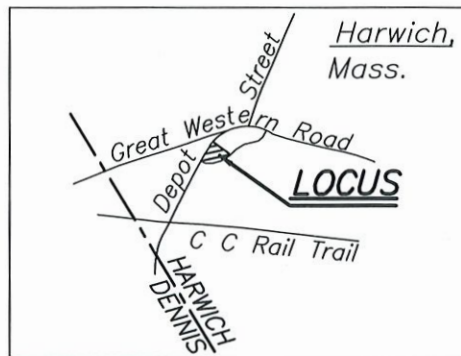
Sincerely,



Susan B. Ladue  
Regulatory Specialist

cc: William Marsh, President  
David Clark, P.E.  
Charleen Greenhalgh, Town Planner  
Griffin Ryder, Town Engineer





LOCUS PLAN

Assessors' Map 45, Parcel T7

OWNER OF RECORD:

William Marsh, Trustee  
Deerfield Nominee Trust  
155 Crowell Road  
Chatham, MA 02633  
Certificate No.148851  
Land Court Plan 40944-D

LEGEND

- Existing Contour
- Proposed Contour
- Existing Spot Grade
- Proposed Spot Grade
- Water Service
- Overhead Utility Line(s)
- Underground Utility Line(s)
- Gas Line
- Concrete Bound (CB)
- Septic Tank
- Utility Pole
- Catch Basin
- Fire Hydrant
- Tree or Hedge Line



BENCH MARK:  
Center of Catch Basin  
Elev.=28.25 NGVD29

Existing  
Lights (Typ)

DEPOT  
(40 Ft. Wide)  
ROAD  
(County Way)  
(1912 Layout)



Existing  
Catch Basins &  
Leaching Pits  
(Typ)

DEERFIELD

ROAD  
(50 Ft. Wide) (Private Way)

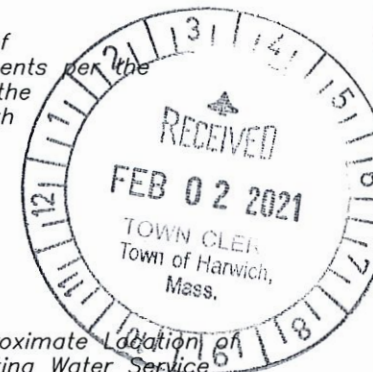
PARKING COMPLIANCE TABLE			
Parking Requirement Generator	Quantity or Rated Cap.	Basis for Parking Calc. per Table 4	# of Spaces Required
Warehouse		1 space per 1,000 S.F. Floor Area	6
Employees	0 emp	1 space per emp. max shift	0
TOTAL REQUIRED			6
TOTAL PROVIDED			6
*Note* Asphalt berm to act in lieu of curb bumper			

Approximate Location of  
Existing Underground Utilities

Approximate Location of  
Existing Gas Service

LOT 7  
Area=20,076 S.F.±  
or 0.461 Ac.±

Approximate Location of  
Existing Septic Components per the  
SDS Plan on file with the  
Harwich Board of Health



Approximate Location of  
Existing Water Service

Transformer Pad

Existing  
Hydrant  
(Typ)

CB Fnd

Existing  
Tree (Typ)

ZONING COMPLIANCE TABLE

Subject	Zone Industrial-Limited	PROPOSED	EXISTING
Lot Area	20,000 S.F.	-	-
Frontage	100 Ft.	273.43 Ft.	273.43 Ft.
Front Setback	25 Ft.	25.2 Ft.	25.2 Ft.
Side Setback	25 Ft.	25.2 Ft.	25.2 Ft.
Rear Setback	50 Ft.	25.2 Ft.	25.2 Ft.
Building Height	40 Ft.	31.5 Ft.	31.2 Ft.
Building Stories	2-1/2 max	1-1/2	1-1/2
Fr. Parking Stbk.	15 Ft.	5.0 Ft.	5.1 Ft.
Sd. Parking Stbk.	5 Ft.	9.4 Ft.	12.5 Ft.
Rr. Parking Stbk.	5 Ft.	5.0 Ft.	7.0 Ft.
Building Coverage	40% max	29.1 %	29.1 %
Site Coverage	70% max	60.3 %	59.7 %
Driveway Width (@ Prop. Line)	50 Ft.	50 Ft.	50 Ft.



AS-BUILT SITE PLAN

DEERFIELD NOMINEE TRUST  
Lot 7 Deerfield Road, Harwich, MA

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

Date: 12-16-2020  
Scale: 1" = 30'  
Drawing No.: 0010-24.7G  
Sheet No.: 1 of 1







## 4 DEERFIELD ROAD – CHANGE OF USE PROPOSAL

2-5-2021

Deerfield Nominee Trust, the owner of 4 Deerfield Road, will be leasing the 5,845 s.f. building to 3 individuals.

Two tenants will be using the building for warehousing purposes, as stated on our original site plan application that was approved by the Planning Board. They will use a total of 3,878.5 s.f. of the floor area for the interior warehousing of construction materials, equipment, and personal belongings.

V.B. Custom Carpentry, an interior finish carpentry business, will be the third tenant conducting a light manufacturing business associated with the construction industry, in the 2 middle bays of the building. V.B. Custom Carpentry will be using a total of 1,966.5 s.f. and will have 1 employee. The production of interior trim, stairway railing accents, and cabinetry will take place in this space.

Per the Zoning By-Law, “this use/construction industry is permitted per Table 1, including suppliers, shall store all equipment and materials within a building or buildings.” We feel that this is in keeping with the general use of the building, the site, and other uses in the IL zone and request the Planning Board to approve this proposed change of use for this portion of the building.

The Planning Board approved the following parking schedule for the use proposed on the site plan:

Warehouse	5,845 s.f.	1 space per 1,000 s.f.	6
Employees	0 emp.	1 sp per emp max shift	<u>0</u>
TOTAL REQUIRED			6
TOTAL PROVIDED			6

The addition of the light manufacturing/construction industry use will revise the parking requirements, as follows, and has been shown as such on the revised site plan:

Warehouse	3,878.5 s.f.	1 space per 1,000 s.f.	4
Light Manuf.	1,966.5 s.f.	1 space per 2,500 s.f.	1
Employees	1 emp.	1 sp per emp max shift	<u>1</u>
TOTAL REQUIRED			6
TOTAL PROVIDED			6



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
PLANNING BOARD**

**DECISION  
Site Plan Review Special Permit**



**Owner:** Deerfield Nominee Trust, William Marsh, TR      **Case No.:** PB2019-36

**Certificate of Title:** 148851

**Map:** 45 Parcel: T1-7

**Property:** 4 Deerfield Road

**Zone(s):** I-L

**Hearing Dates:** September 10 & 24, October 8, and November 7, 2019

**Decision Date:** November 7, 2019

**Hearing**

At a duly advertised, posted and noticed public hearing held November 7, 2019, the Harwich Planning Board (the 'Board') voted unanimously to approve a Site Plan Review Special Permit with waivers for new construction of a 5,845 SF metal structure for industrial use. The application is pursuant to the Code of the Town of Harwich §325-51 and -55.

Acting and voting on the matter were members Ms. Maslowski, Mr. Stoltz, Mr. McParland, Mr. Chadwick and Mr. Berry.

Susan Ladue, with Eastward Company represented and presented the case to the Planning Board.

After deliberations and hearing from all parties having an interest in the case, the Board voted to close the public hearing. The members then reviewed the criteria for granting a special permit.

**Documents**

During the aforesaid public hearing the Board reviewed the proposal as detailed in the submitted application packet and specifically the applicant's referenced plans and documents:

1. Form A Planning Board Application dated 4/9/2019.
2. Narrative related to the request dated 8-14-19; revised dated September 17, 2019.
3. Letter dated August 20, 2019, including Waiver Request.
4. Letter dated October 23, 2019.
5. Municipal Lien Certificate showing taxes paid to date.
6. Storm Water Report, Lot 7 Deerfield Road, dated March 22, 2019; revised September 13, 2019, prepared and stamped by David A. Clark, P.E., Clark Engineering, LLC.
7. Set of Plans for Deerfield Nominee Trust, prepared by Clark Engineering LLC and Outermost Land Survey, Inc. as follows:
  - a. Site Plan, dated 03/20/2019, revised 05/03/19, 08/15/19, 09/11/19, and 10/11/19 scale 1"=20', Sheet No. 1.
  - b. Sewage Disposal System Plan, dated 3/20/2019, Not to Scale, Sheet 2 of 3.

**A TRUE COPY ATTEST:**

*[Signature]*

TOWN CLERK OF  
HARWICH, MASS.

DEC 03 2019



- c. Detail Plan, dated 3/20/2019, revised 09/11/19 and 10/11/19, Not to Scale, Sheet 3 of 3.
8. Hand-drawn Landscape Plan, 4 Deerfield Road, dated 4-4-19, revised 5-7-19, 8-16-19, and 10-22-19, scale 1"=10', by Eastward Companies.
9. Set of Building Plans for 7 Deerfield Road, Harwich, MA, no date, scale 1/8" = 1'-0", prepared by SV Design, as follows:
  - a. Proposed Elevations, Sheet A2.1
  - b. Proposed First Floor Plan, Sheet A1.1

#### Waivers

On a motion from Ms. Maslowski and seconded by Mr. Stoltz the Board voted unanimously 5-0-0 to approve the following waivers based on the information and presentation by the applicant:

1. §325-42 Design Requirements to expressly allow parking to be within 5' of a property line where 15' feet is required with the IL zoning district.
2. §325-40 Loading Requirements.
3. §325-41 Location Requirements, B, for outside disposal container.

#### Findings

On a motion from Ms. Maslowski and seconded by Mr. Berry the Board voted unanimously 5-0-0 to adopt the following findings:

1. The property is within the IL zoning district.
2. Deerfield Road provides for adequate access.
3. Two 50' curb cuts are proposed, with a landscaped island separating the two curb cuts.
4. The parking is based on Warehouse use.
5. The building received a variance from the rear setback requirement to allow for 25 feet pursuant to ZBA Case No. 2019-26, L.C. document 1,377,700.
6. The plan provides for efficient and safe disposal of surface water.
7. The use is consistent with the Zoning Code and will not adversely affect the neighborhood.
8. There will be no nuisance or serious hazard to vehicles or pedestrians.

#### Use Special Permit

On a motion by Ms. Maslowski, seconded by Mr. Stolz, the Board voted unanimously 5-0-0 to approve with conditions case number PB2019-36 Deerfield Nominee Trust, William Marsh, TR., for a Site Plan Review Special Permit with waivers, pursuant to the Code of the Town of Harwich §325-51 and -55, for new construction of a 5,845 SF metal structure for industrial use for property located at 4 Deerfield Road, Map 45, Parcel T1-7 in the I-L zoning district. 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:


1. The Special Permit shall comply with all Board of Health requirements and reviews.
2. No dumpster shall be allowed on the site until such time as a revised site plan is submitted to the Planning Board and until such time all trash shall be contained within the building and disposed of properly.
3. Any signage shall comply with the Sign Code.



4. Any changes to the site plan, changes of use (uses other than "Warehouse") or configuration of the interior space of the 5,845 square foot building as shown on the referenced plan shall be subject to further Planning Board review and approval.
5. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
6. Lighting shall comply with the requirements of the Code of the Town of Harwich.
7. This decision shall be recorded with the Barnstable County Registry of Deeds.
8. 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.

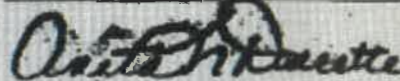
All Votes Were In Favor: McParland, Maslowski, Stoltz, Chadwick, Berry

This special permit shall lapse at the end of two (2) years from the date of filing of the Board's decision in the office of the Town Clerk if substantial use or, in the case of permit for construction, if construction has not commenced, without good cause.

  
Joseph P. McParland, Chairman

Appeal from the above decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days of the date of filing hereof with the Town Clerk.

This Decision has been filed with the Town Clerk on: NOV 12 2019



Town Clerk

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

Date filed: NOV 12 2019 Twenty Days Elapsed: DEC 03 2019



Town Clerk

DEC 03 2019