



HARWICH PLANNING BOARD  
PUBLIC HEARING NOTICE

The Harwich Planning Board will hold public hearings no earlier than 6:30 PM on Tuesday, May 25, 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.

**PB2021-09 Seagulls LLC, Ronald Cote, Connor Cummings**, as applicants, Route 28 N.R.T., 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.

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 Town Clerk's Office or 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: May 6 & 13, 2021

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.

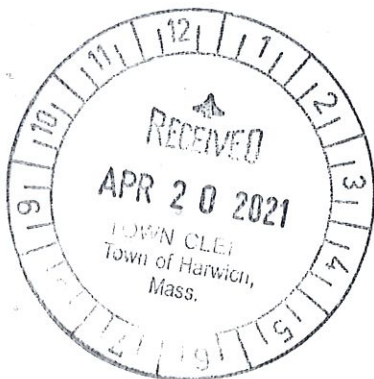
Based on all of the above, the Applicant is respectfully requesting a Use Special Permit in accordance with Sections 325-9, 325-13 (Table 1), 325-14.O, and 325-51 of the Harwich Zoning By-Law ["Zoning By-Law"]. The Board is authorized to grant the requested relief if certain findings are made. The Applicant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

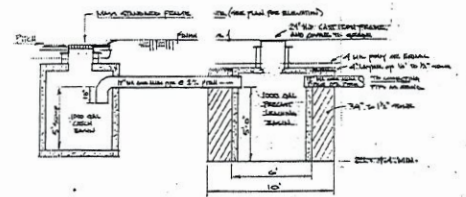
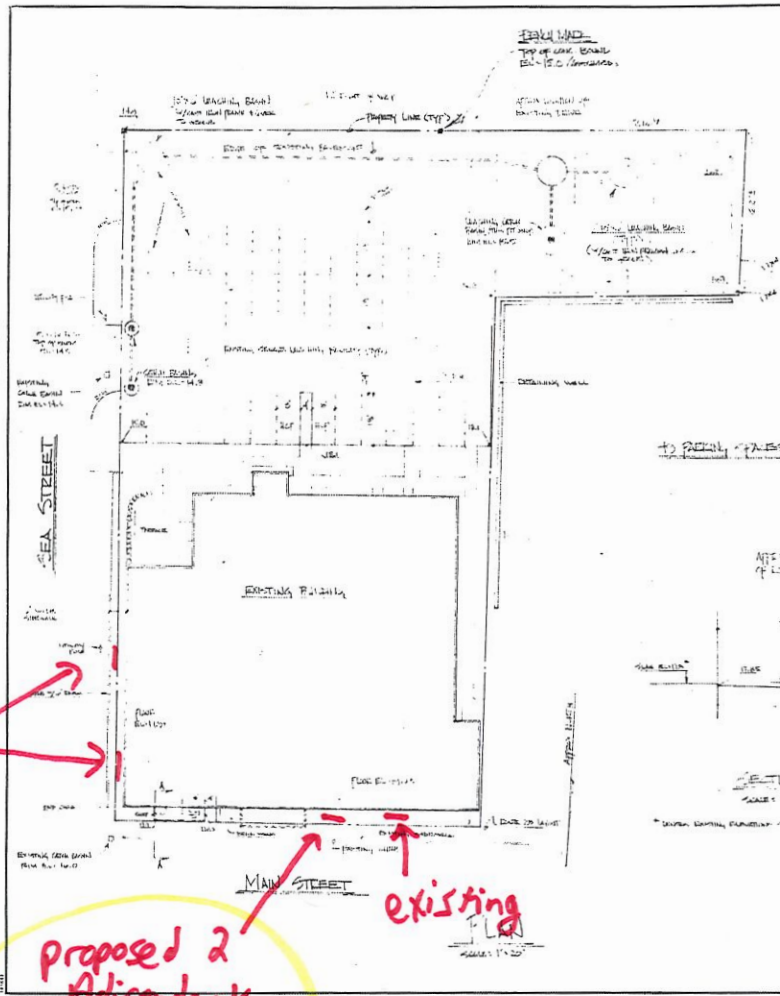
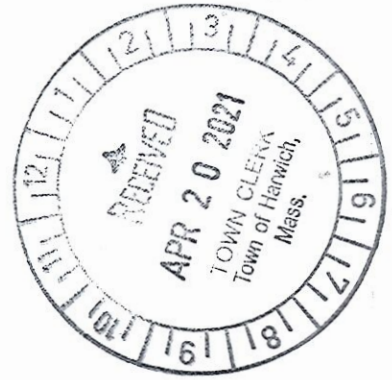
1. The proposed use will be compatible with surrounding land uses in this commercial downtown area of Harwichport Center and will not adversely affect the neighborhood;
2. The Property remains an appropriate location for the proposed use and will enhance the commercial downtown of Harwichport Center;
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.





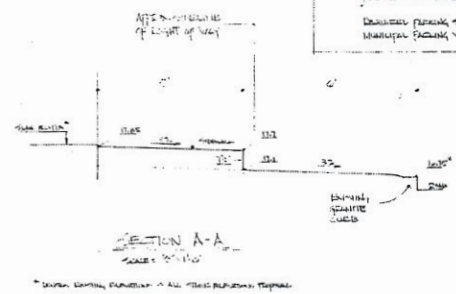
TYPICAL DRAINAGE STRUCTURES  
1/8\"/>

PARKING CALCULATIONS

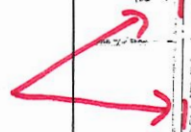
LOT BUILDING ADDRESS	FLOOR	TOTAL PARKING REQUIRED
1 <sup>ST</sup> FLOOR OFFICE - 6,170 SF	1 sp/200 SF	31.0
1 <sup>ST</sup> FLOOR RESTAURANT (MIXED)	1 sp/3 SEAT	35.0
2 <sup>ND</sup> FLOOR OFFICE - 6,170 SF	1 sp/200 SF	31.0
TOTAL OFFICE PARKING		111 SPACES

NOTE: PARKING CALCULATION BASED UPON "NET FLOOR AREA" - PARKING REQUIRED FOR OFFICE AND PERFORMANCE OFFICE AREA ONLY. REQUIRED PARKING WHEN "NET AREA" RELATED TO CONVENTION USE.

REQUIRED PARKING SPACES ARE PROVIDED BY ON-SITE OFFICES AND MUNICIPAL PARKING WITHIN 500 FT.



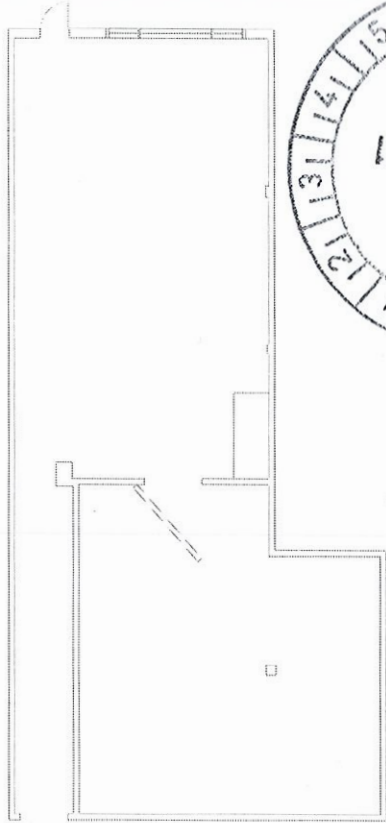
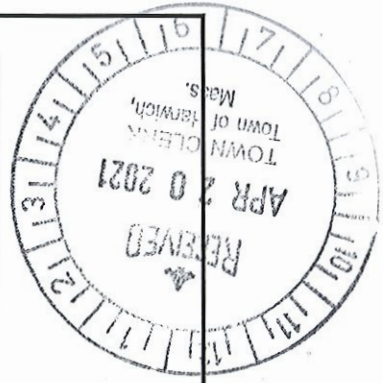
existing Benches



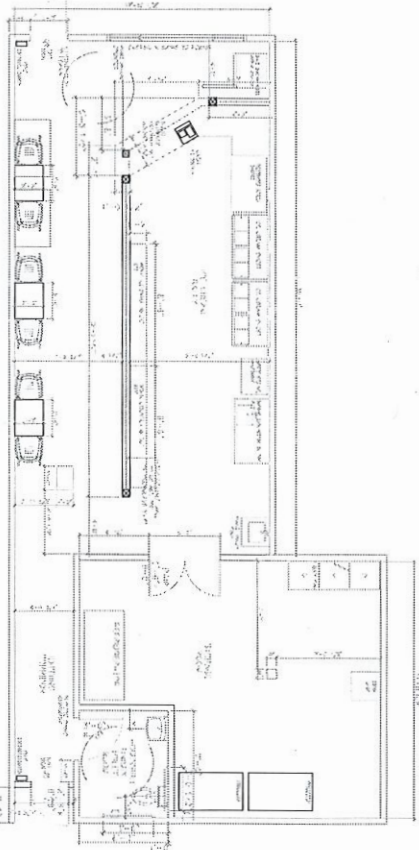
proposed 2 Adirondack chairs

existing

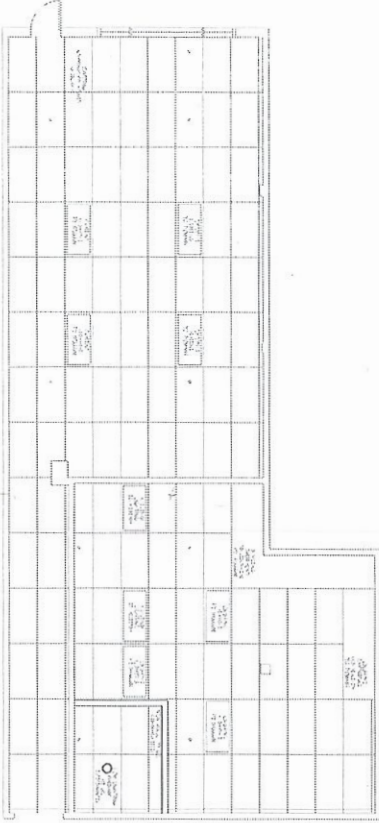
PROJECT: HANWICH PORT THEATER BLOCK MAIN STREET & SEA STREET, HANWICH, MASS.			
TITLE: PLAN SHOWING PROPOSED PARKING LAYOUT, SIDEWALK, AND GRANITE CURB			
DRAWN BY: DJM		REVIEWED:	
Coastal Engineering Co. ARCHITECTURAL AND CONSTRUCTION ENGINEERS			
DATE: 5-03-09		DRAWING NUMBER: 008-008-001	
NOTED:	BY: BPM	DATE: 5-03-09	SCALE: 1\"/>



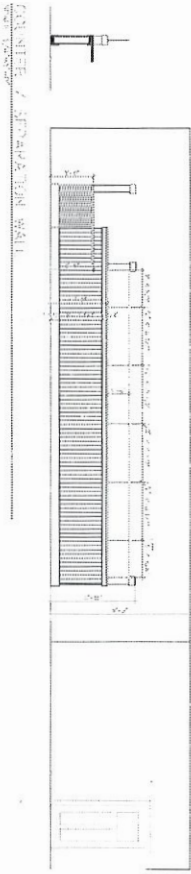
EXISTING FLOOR PLAN



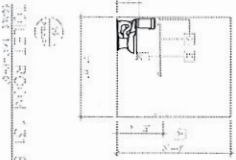
PROPOSED FLOOR PLAN



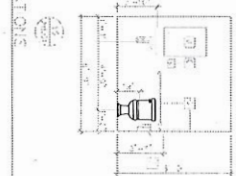
EXISTING UTILITY PLAN



PLAN OF WALKWAY / SEPARATION WALL



TOILET ROOM - S1 ELEVATIONS



TOILET ROOM - N1 ELEVATIONS

Plan and section codes  
 Dimensions 2014 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2014 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2015 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2016 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2017 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2018 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2019 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2020 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2021 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2022 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2023 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2024 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2025 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2026 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2027 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2028 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2029 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)  
 2030 Edition (see page 201) but per 102" 20" x 20" x 20" (vertical)

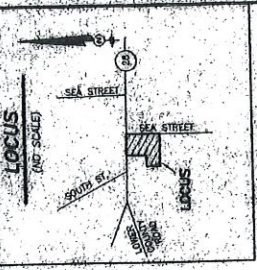
SCALE: 1/8" = 1'-0"  
 DATE: 18 March 2021  
 DRAWING NO.: K237

**Floor Plans**  
  
 Knack Design Group  
 54 Liberty Street  
 Braintree, MA 02184  
 781.843.5640

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

  
 M...  
 REG. NO. 11848  
 EXPIRES 12/31/2024

Rev.	Date	Revision Description
01	3/18/21	Dimension Revision at Post



- LEGEND**
- ⊕ EXISTING SEPTIC
  - ⊖ EXISTING WELL
  - ⊙ PROPOSED WELL
  - EXISTING CONTOUR
  - - - PROPOSED CONTOUR
  - W- WATER LINE
  - ⊕ EST. HOLE
  - ⊖ SEPTIC TANK
  - ⊖ 10' BOX

NOTES:  
 1. EXISTING SEPTIC SYSTEM DESIGN PER PLAN PREPARED BY FELCO, INC. IN 1987.  
 2. PROPOSED SEPTIC SYSTEM TO BE INSTALLED IN 2021.  
 3. EXISTING RESTAURANT TO BE DEMOLISHED AND REBUILT AS A 100 SEAT RESTAURANT.  
 4. EXISTING RESTAURANT TO BE DEMOLISHED AND REBUILT AS A 100 SEAT RESTAURANT.  
 5. EXISTING RESTAURANT TO BE DEMOLISHED AND REBUILT AS A 100 SEAT RESTAURANT.

**SITE & SEWAGE PLAN**

LOCUS: 537 ROUTE 28  
 HARWICH, MA

PREPARED FOR: **PORT CENTER REALTY TRUST**

REFERENCE: ASSET'S MAP NO. 14  
 PARCEL ID: 14-1

SCALE: 1" = 20'

SHEET NO. 1 OF 2

DATE: 11-16-20

DESIGNER: FELCO, INC.  
 145 BEECH STREET  
 HARWICH, MA 02645  
 (508) 295-8141

NO.	DATE	REVISIONS

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

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.

