

Harwich Planning Board Agenda
Griffin Room, Town Hall, 732 Main Street, Harwich
Tuesday, December 3, 2019 – 6:30 PM

I. Call to Order

Recording & Taping Notification – As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the chair.

II. Public Hearing

- A. **PB2019-43 Route 137 Development, LLC**, owners, David A. Clark, P.E., Clark Engineering LLC, representative, seek approval of a ten (10) lot definitive subdivision plan, one (1) of which is a panhandle lot, and two (2) non-buildable parcels. The application is pursuant to the Code of the Town of Harwich §325-18(Q) and c.400, Article II and MGL c.41 §88 K-GG and. The property is located on Chatham - Brewster Road (aka Route 137), between Chrisjobeth Circle and Sherwood Road on Assessor's Maps 96, 97 & 106 with a portion of land being identified as parcels Misc. 50 and Misc. 60 and the remainder being undesignated. The land is in the R-R and W-R zoning districts. ***Please Note: the hearing will be opened with no testimony taken and the hearing will be continued to December 17, 2019.***

III. Public Meeting*

- A. New Business:
B. Meeting Minutes: November 7 and November 19, 2019
C. Old Business:
1. Continued Zoning Discussion:
 i. IL Zoning District Expansion – Queen Anne Road
 ii. Essential Services and Municipal Uses
 iii. Multi-family Housing
 iv. West Harwich DCPC
 v. Other thoughts on zoning changes
D. Briefings and Reports by Board Members

IV. Adjourn

*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, December 17, 2019.

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

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM
THURSDAY, NOVEMBER 7, 2019 – 6:30 PM
MEETING MINUTES**

BOARD MEMBERS PRESENT: Chairman Joseph McParland; Vice-Chairman Alan Peterson; Mary Maslowski; Duncan Berry; Craig Chadwick; William Stoltz; and Arthur Rouse.

BOARD MEMBERS ABSENT: David Harris.

OTHERS PRESENT: Town Planner, Charleen Greenhalgh; Susan Ladue; John O'Reilly; James McGrath; and others.

CALL TO ORDER - 6:31 PM by Mr. McParland with a quorum present.

Chairman McParland announced the Recording & Taping Notification: As required by law, the Town may audio or video record the meeting. Any person intending to either audio or video record this open session is required to inform the chair.

The meeting began with the Board reviewing and the 2020 Hearing Schedule. Mr. Chadwick made the motion to approve the schedule as written, seconded by Chairman McParland, unanimously so voted.

PB2019-27 Wychmere Harbor Real Estate LLC, 23 Snow Inn Road, Site Plan Review Special Permit.

Chairman McParland reopened the hearing at 6:37 PM by reading the legal notice into the record. Applicant seeks to amend a Site Plan Review Special Permit granted in Case PB2010-26 by making improvements to the existing beach club; including replacing the existing restaurant/pool equipment building, two swimming pools, the pool decking and other site improvements with a new restaurant building, a small restroom and retail building, a pavilion expansion, two smaller swimming pools and a new concrete pool deck, and various beach amenities. The applicant is pursuant to the Code of the Town of Harwich §325-55 (Site Plan Review), §325-51 (structure greater than 7500 s.f.) and Chapter 400. The property is located in the RH-3 and R-L zoning districts at 23 Snow Inn Road, Map 8, Parcel P2-12. *Hearing continued from Aug. 27, 2019. The applicant has requested a further continuance.*

Ms. Maslowski made the motion to continue PB2019-27 to January 14, 2020 no early than 6:30 PM, seconded by Mr. McParland, unanimously so voted.

PB2019-36 Deerfield Nominee Trust, 4 Deerfield Road, Site Plan Review Special Permit Representative: Susan Ladue

Chairman McParland reopened the hearing at 6:40 PM by reading the legal notice into the record. Applicant seeks approval of a Site Plan Review Special Permit with waivers for new construction of a 5,845 SF metal structure for industrial use. The property is located at 4 Deerfield Road, Map 45, Parcel T1-7 in the I-L zoning district. The application is pursuant to the Code of the Town of Harwich §325-51 and -55. *Continued from October 8, 2019.*

The hearing began with Susan Ladue explaining the application, the proposed work, and the revised plan. She reviewed the changes requested by the Board and Town Engineer. Several questions were asked, all which were answered by Ms. Ladue.

Mrs. Greenhalgh reviewed her staff report for this application. **Conservation, Building, Police, Highway, Water and Fire:** No concerns. **Health:** The applicant has not yet applied for a disposal system construction permit, however the site plan indicates that a fully compliant system will be installed. If floor drains are to be installed, they are not allowed to be connected to the drainage or septic systems, and must be plumbed to an industrial holding tank.

Engineering: Is satisfied with the revised plans submitted on October 23, 2019. Planning Comments: A) A waiver has been requested for the parking spaces that do not meet the 15 foot setback – 4 parking spaces in total. The Board will need **to expressly authorize** approval of these spaces. This waiver request is reasonable. B) The waiver for the loading area requirement, based on the narrative provided, appears to be reasonable. C) There is a waiver request for the dumpster requirement, this appears to be a reasonable request. D) The applicant has identified that six (6) additional interior parking spaces would be available if needed. E) The parking calculations are based solely on “warehousing” with no employees, any use other than “Warehouse” would need to come back to the Planning Board for further review and other department reviews for a determination as to whether the parking and other features are appropriate for the proposed use. F) The building did receive a variance from the Zoning Board of Appeals to allow for a 25 foot rear setback, this should be referenced within the decision.

Hearing no additional comments from the Board or the public; Ms. Maslowski made the motion to close the public hearing at 6:49 PM, seconded by Mr. Chadwick, unanimously so voted.

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.

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.

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.

PB2018-13 Eastward Home Business Trust- Bascom Hollow, Release of Covenant

Representative: Susan Ladue

The applicants seek approval and endorsement to place Lot 4 back into a covenant and to release Lot 6 from covenant. Ms. Ladue explained the request to exchange lots from the covenant.

Mrs. Greenhalgh stated she thought this was a reasonable request, and it’s been done before.

Ms. Maslowski made the motion to approve and endorsement to place lot 4 back into the covenant and to release lot 6, seconded by Mr. Peterson, unanimously so voted (5-0-0).

Chairman McParland welcomed alternate member, Arthur Rouse, to the Board. Mr. Rouse as an alternate member is eligible to vote on special permit and site plan matters and general discussion and not on subdivision or ANRs.

PB2018-38 Daniel W. O’Leary and Donna C. Goll, 7 & 11 Daluze Drive, ANR Plan

Representative: John O’Reilly

The applicants seek endorsement of a two (2) lot Approval Not Required (ANR) plan for property located at 7 and 11 Daluze Drive, Map 71, Parcels H1-3 and H1-4 respectively. The parcels are in the R-R zoning district.

The meeting began with John O’Reilly explaining the proposal, and the lot layout. He explained how the lot lines would change.

Mrs. Greenhalgh read the departmental input and Town Planners report into the record. Engineering and Health did not respond. Conservation: Not within jurisdiction. Planning: 1) This proposal meets the minimum criteria for endorsement of an ANR plan pursuant to §400-9 of the Harwich Town Code and Massachusetts General Law Chapter 41 §81 P (adequate frontage for the zoning district – 150 feet, with adequate access – Daluze Drive). 2) Lot A (800 s.f.) will become part of Lot 3; while Lot B (800 s.f.) will become part of Lot 4. 3) General Note: the plan

is a bit confusing in that there are two (2) Lot B's shown on the plan. The triangular Lot B is already part of Lot 3.

Board members asked several questions, all which were answered by Mr. O'Reilly.

Ms. Maslowski made the motion to endorse the ANR plan entitled "Plan of Land in Harwich Massachusetts Surveyed and Prepared for Daniel W. O'Leary and Donna C. Goll" prepared by J.M. O'Reilly & Associates, Inc., dated October 7, 2019, Scale 1" = 20', seconded by Mr. Berry, unanimously so voted 5-0-0.

PB2019-42 Pine Harbor Wood Products, James R. McGrath, 259 Queen Anne Road, Waiver of Site Plan

Representative: James McGrath

The applicant, seeks approval of a Waiver of Site Plan pursuant to the Code of the Town of Harwich §325-55.F to raze a non-conforming storage shop/shed and replace it with a conforming 44' x 84' open building operating the same use. The property is located at 259 Queen Anne Road, Map 58, Parcel N10-1 in the I-L zoning district.

The meeting began with James McGrath explaining the site, and reviewing the proposal of the new shop.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record. Health: No concerns or issues. Engineering: The Town Engineering and the Town Planner reviewed the application and plan together. There were no concerns or issues. Police: No concerns. Planning: 1) This is a public meeting matter and not a public hearing. 2) As noted in the Engineering comments, we reviewed the application and plan together and there were no concerns or issues raised.

On a motion from Ms. M. Maslowski, seconded by Mr. Peterson, the Board voted 7-0-0 to adopt the following findings of fact:

1. The parcel is in the IL zoning district.
2. The application does not substantially change the relationship of the structure to the site and to abutting properties and structures.
3. The existing site, which is currently used for the assembly of products and the retail sale of products, is suitable for the proposed use.
4. There will be no increase in the number of employees.
5. The existing building is non-conforming and the new building will conform to setback requirements.

On a motion by Ms. Maslowski, seconded by Mr. Peterson, the Board voted unanimously (7-0-0) to approve Case PB2019-42 for Pine Harbor Wood Products, James R. McGrath, President, for a Waiver of Site Plan pursuant to the Code of the Town of Harwich §325-55.F to raze a non-conforming storage shop/shed and replace it with a conforming 44' x 84' open building operating the same use. The property is located at 259 Queen Anne Road, Map 58, Parcel N10-1 in the I-L zoning district. The decision is based on the findings of facts stated and the fact that the proposal does not substantially change the relationship of the structure to the site or to abutting properties and structures and the application meets the necessary requirements and criteria for approval.

ZONING AMENDMENT DISCUSSION: Begin discussion of potential zoning amendments for the May 2020 Annual Town Meeting.

Mrs. Greenhalgh provided the Board with several possible proposed zoning amendment options: including essential services, multi-family dwellings, and zoning associated with the West Harwich DCPC. A lengthy discussion ensued.

MEETING MINUTES: Ms. Maslowski made the motion to approve the minutes as is from September 10, September 24 and October 8, 2019 as written, seconded by Mr. McParland, unanimously so voted.

DISCUSS & CLARIFY POLICIES, PROCESSES, & PROCEDURES:

A lengthy discussion ensued regarding seconding the motion for discussion purposes only, motion to accept request for withdrawal without prejudice / motion to close the public hearing, documents made part of the record, and referral to CCC for limited DRI.

BRIEFINGS & REPORTS BY BOARD MEMBERS:

Mrs. Greenhalgh updated the Board on several upcoming items, including the Municipal Vulnerability Preparedness, and the Comprehensive Planning Committee.

ADJOURNMENT: The motion to adjourn was made by Ms. Maslowski at 8:21 PM, seconded by Chairman McParland. Unanimously so voted.

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary.

Adopted:

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM
TUESDAY, NOVEMBER 19, 2019 – 6:30 PM
MEETING MINUTES**

BOARD MEMBERS PRESENT: Chairman Joseph McParland; Mary Maslowski; Duncan Berry; Craig Chadwick; David Harris; and Arthur Rouse.

BOARD MEMBERS ABSENT: Vice-Chairman Alan Peterson; and William Stoltz.

OTHERS PRESENT: Town Planner, Charleen Greenhalgh; William Crowell; Brian Langelier; Jackie Etsten; Ronald Remondino; Dan Croteau; Tom Moore; Richard D'Ambrosio; William Marsh; and others.

CALL TO ORDER - 6:31 PM by Mr. McParland with a quorum present.

Chairman McParland announced the Recording & Taping Notification: As required by law, the Town may audio or video record the meeting. Any person intending to either audio or video record this open session is required to inform the chair.

PB2019-39 Brain Langelier, 815 Route 28, Site Plan Review Special Permit

Representative: William Crowell and Brian Langelier

Chairman McParland opened the hearing at 6:33 PM by reading the legal notice into the record. The hearing was concurrently run with PB2019-40. Applicant seeks approval pursuant to the Code of the Town of Harwich §325-55 to amend/modify a Site Plan Review Special Permit (PB2019-12) with waivers to change the use from a retail show room of large items to professional/office space and change the parking for property located at 815 Route 28, Map 24, Parcel W6-2 in the C-H-1 zoning district.

As PB2019-39 and PB2019-40 were so closely related, the chair opened the hearing for PB2019-40 so that there could be a joint hearing on the two matters.

PB2019-40 Brain Langelier, 809 Route 28, Site Plan Review Special Permit

Representative: William Crowell and Brian Langelier

Chairman McParland opened the hearing at 6:34 PM concurrently with PB2019-39, by reading the legal notice into the record. Applicant seeks approval pursuant to the Code of the Town of Harwich §325-55 to amend a Site Plan Review Special Permit (PB2019-33) with waivers to reconfigure the existing parking areas and to allow for shared parking with the abutting property at 815 Route 28. The property located at 809 Route 28, Map 24, Parcel W6- 1 in the C-H-1 zoning district.

The hearings both began with William Crowell and Brian Langelier explaining the proposal to change use from a retail show room, to office space. They discussed the shared parking with the adjacent property and the changes to the parking layouts for both properties.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record for PB2019-39 first: Health: The septic system is sized to handle the converted flow to office use. The leach field has been designed to accommodate vehicular loading, however, the septic tanks are not. Parking cannot be located over the septic tanks unless H2O Tanks are installed. Conservation, Police and Fire: No concerns. Planning: A) The change of the use of the building resulted in the need for additional parking. This additional parking will be shared parking with the property at 809 Route 28. B) The Town Engineering and I met to review the plans on Oct. 23, 2019. At that time we compiled a list of questions/concerns that were provided to the applicant. On November 7, 2019 revised plans were submitted and appear to be adequate. C) All conditions imposed pursuant to Case No. PB2019-12 should be carried forward to this application. D) In the event that either property is sold, an easement will be required to allow for the shared parking between 809 and 815 Route 28. E) Standard conditions are recommended.

Mrs. Greenhalgh then reviewed departmental comments relative to PB2019-40: Health: No issues or concerns with the proposed plan. Fire, Police, Conservation: No concerns. Planning: A) The Town Engineer and I met to review the plans on Oct. 23, 2019. At that time we compiled a list of questions/concerns that were provided to the applicant. On November 7, 2019 revised plans were submitted. A few questions remain. B) There is a 10' wide right-of-way along the easterly property line; the parking encroaches into this right-of-way. Will this affect someone's right of access? C) Wheel stops, or similar, are recommended for the easterly parking spaces (spaces 3 – 6) D) All conditions imposed pursuant to Case No. PB2019-33 should be carried forward to this application. E) In the event that either property is sold, an easement will be required to allow for the shared parking between 809 and 815 Route 28. F) Standard conditions are recommended.

A lengthy discussion ensued and Attorney Crowell address comments and questions.

Jackie Etsten, who lives diagonally across from the property, raised concerns about how the property was split up in 1988. She asked that the ANR letter be part of the record, and requested that the lots be combined. She is in support of the proposed office use and parking however.

PB2019-39 - was closed at 7:00 PM on a motion by Ms. Maslowski, seconded by Mr. Harris, unanimously so voted.

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

1. The property is located within the C-H-1 zoning district. The changes in the plan are not significantly different than the previously approved plan.
2. There is an existing "cart path" on the easterly side of the property that serves one dwelling. The parking as proposed would not inhibit access to and from this property.
3. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.
4. The parking calculations are based on the use being a professional/office use, with associated storage.

5. The commercial area remains consistent with the required 33% of the floor area of the building or buildings and it is located at the front of the building, facing the street, and shall be located on the ground level.
6. With the shared parking on the adjacent property, 809 Route 28, the parking complies with the requirements of Article IX, Off-Street Parking Regulations.
7. Screening of parking complies with the provisions of § 325-43.

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve with conditions case number PB2019-39 for Brian Langelier, Trs. et al, as owners, pursuant to the Code of the Town of Harwich §325-55 to amend/modify a Site Plan Review Special Permit (PB2019-12) with waivers to change the use from a retail show room of large items to professional/office space and change the parking for property located at 815 Route 28, Map 24, Parcel W6-2 in the C-H-1 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. All signage shall comply with the Sign Code and Building Department Requirements.
2. All conditions and waivers imposed pursuant to PB2019-12 shall be met.
3. In the event that this property changes ownership, an easement will be required to allow for the shared parking between 809 and 815 Route 28.
4. This decision shall be recorded at the Barnstable Registry of Deeds.
5. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

PB2019-40 - The hearing was closed at 7:07 PM on a motion by Ms. Maslowski, seconded by Mr. Harris, unanimously so voted.

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

1. The property is located within the C-H-1 zoning district.
2. The changes in the plan are not significantly different than the previously approved plan.
3. With the shared parking from the adjacent property, 815 Route 28, the parking complies with the requirements of Article IX, Off-Street Parking Regulations.
4. The picnic tables as shown on the original approved site plan pursuant to decision PB2019-33 shall be located in the same location, as this does not interfere with the parking on the new site plan.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve with conditions case number PB2019-40 Brian Langelier, Trs. et al, as owners, pursuant to the Code of the Town of Harwich §325-55 to amend a Site Plan Review Special Permit (PB2019-33) with waivers to reconfigure the existing parking areas and to allow for shared parking with the abutting property at 815 Route 28, the property is located at 809 Route 28, Map 24, Parcel W6-1 in the C-H-1 zoning district. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and the fact that the boat storage use is permitted in the zoning district and the Restaurant, Fast Food/Take out Use Special Permit has been approved. The following conditions are imposed:

1. A split rail fence shall be installed along the zoning district boundary line – R-M and C-H-1.
2. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
3. In the event that this property changes ownership, an easement will be required to allow for the shared parking between 809 and 815 Route 28.
4. Any changes to the site plan, other than those resulting from MassDOT review and approval, shall be subject to further Planning Board review and approval.
5. All conditions and waivers imposed pursuant to PB2019-33 shall be met.
6. Any picnic table shown on the original plan for PB2019-33 shall be located in the same location and do not interfere with the parking on the revised plan.

PB2019-41 Ronald M. Remondino and Lisa Stroker, 521 Route 28, Site Plan Review Special Permit and Special Permits for Mixed Use and Village Commercial Overlay

Representatives: William Crowell, Ronald Remondino, Dan Croteau and Tom Moore

Chairman McParland opened the hearing at 7:12 PM by reading the legal notice into the record. Applicants seek approval pursuant to the Code of the Town Harwich §325-51.L, -51.M, and 55 for a Site Plan Review Special Permit and Special Permits for Mixed Use and Village Commercial Overlay with waivers for the construction of an addition for retail/commercial space, conversion of the second floor from residential use to retail/commercial use and maintaining an existing residential dwelling unit. The property is located at 521 Route 28, Map 14 Parcel P3-A in the C V and V-C overlay districts.

The hearing began with Attorney Crowell thanking Mrs. Greenhalgh and Town Engineer Griffin Ryder for their assistance with this project. He went on to explain the proposed addition of retail space, the elimination of an apartment and the requirements for the approval of the application.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record. **Police and Fire:** No concerns. **Health:** The septic system is sized to handle the additional flow of the expanded retail use. Prior to approval of a building permit application, a Title 5 inspection of the system is required to ensure it is working properly and can handle the added flow. Should the system fail the inspection, a new fully compliant system will be required to be installed. **Planning:** A) The Town Engineer and I met to review the plans on Oct. 23, 2019. At that time we found the plans, information, waivers requested and application to be in order. We have no concerns or comments relative to the application or the requested waivers. B) Standard conditions are recommended.

A lengthy discussion ensued with clarification of the addition, parking, etc.

The public hearing was closed at 7:32 PM on a motion by Mr. Harris, seconded by Ms. Maslowski, unanimously so voted.

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

1. The property is located within the C-V zoning district and the Village Commercial Overlay district.
2. Parking for the proposed expanded use has been satisfied with the requested waiver.
3. Patrons of this building will be primarily pedestrians.
4. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.
5. The commercial area makes up more than the required 33% of the floor area of the building or buildings and it is located at the front of the building, facing the street, and shall be located on the ground level.
6. There is the required minimum of 10,000 square feet of lot area for the residential unit.

On a motion by Ms. Maslowski and seconded by Mr. Harris, the Planning Board voted unanimously (6-0-0) to approve case number PB2019-41 for Ronald M. Remondino and Lisa Stroker, pursuant to the Code of the Town Harwich §325-51.M, for a Special Permit for Mixed Use for the construction of an addition for retail/commercial space, conversion of the second floor from residential use to retail/commercial use and maintaining an existing residential dwelling unit for property located at 521 Route 28, Map 14 Parcel P3-A in the C V and V-C overlay districts. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich.

On a motion by Ms. Maslowski and seconded by Mr. Harris, the Planning Board voted unanimously (6-0-0) to approve with conditions case number PB2019-41 Ronald M. Remondino and Lisa Stroker, owners, c/o William Crowell, Esq., pursuant to the Code of the Town Harwich §325-51.L and §325-55 for a Special Permit for the Village Commercial Overlay district and a Site Plan Review Special Permit and with waivers for the construction of an addition for retail/commercial space, conversion of the second floor from residential use to retail/commercial use and maintaining an existing residential dwelling unit for property located at 521 Route 28, Map 14 Parcel P3-A in the C V and V-C overlay districts. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions:

- a. All signage shall comply with the Sign Code and Building Department Requirements.
- b. Outdoor Lighting shall comply with Article XXI.
- c. All Health Department conditions shall be met.
- d. Any changes to the Special Permit Uses or the Site Plan may require further Site Plan Review by the Planning Board.
- e. This decision shall be recorded at the Barnstable Registry of Deeds.
- f. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

PB2008-03 Littlefield Pond Road Subdivision - Request for release of cash surety.

Ms. Maslowski made the motion to release \$13,000 of the \$15,000 from the cash surety, seconded by Mr. Chadwick, unanimously so voted.

Richard D'Ambrosio, 13 Littlefield Pond Road, raised many concerns about the builder. Mr. D'Ambrosio stated that having a bond forces him to complete projects, and without the bond, Mark Giarusso will not finish the projects at hand. Chairman McParland explained that he concerns with the building are a civil matter and not before the Board.

PB2018-13 Bascom Hollow Subdivision - Request to snowplow for 2019-2020 prior to Final Inspection.

Representative: William Marsh

Chairman McParland read the following memo from Mrs. Greenhalgh into the record:

The applicant has requested that Bascom Hollow road be plowed for the 2019/2020 season.

The Town Engineering, Griffin Ryder and I have reviewed and discussed this request. At this time, and based on §400-14.R of the Subdivision Rules and Regulations, we cannot support this request. §400-14.R states that:

“Roadway maintenance. If released from restrictions with regard to sale of lots or buildings on lots by the posting of a performance bond or other security, the applicant shall maintain the roadway for vehicular traffic in a manner satisfactory to the Board. Further, the applicant shall maintain the roadway in a subdivision in a condition that meets all the above requirements to the satisfaction of the Board either until acceptance of the way by a vote of the Town or for a period of one year from the date of release.”

Three lots are still under Planning Board Covenant.

Chris Nickerson from DPW has provided a memo indicating that they do not have an issue with this request based on the DPW policy; however this is not consistent with the Subdivision Rules and Regulation.

Mr. Marsh asked that the Town plow Bascom Hollow. He explained that they cannot request a release of covenant until sewer connection is available. A lengthy discussion ensued.

Chairman McParland made the motion to authorize the town plowing of Bascom Hollow in the 2019-2020 season, no second was received, motion failed.

Subdivision Plan Endorsement Following the Expiration of the 20-Day Appeal

- i. PB2019-29 Marceline and Davenport – along with Agreement and Covenant
- ii. PB2019-31 KNT Realty Trust
- iii. PB2019-32 Pina & Blute

Ms. Maslowski made the motion to carryout items 1-3 above, seconded by Mr. Berry, unanimously so voted.

Discussion on Use of Drop Box for Planning Board Electronic Packets

Mrs. Greenhalgh explained that sometimes it is difficult to send out the entire electronic packet. A lengthy discussion ensued. It was agreed that packets would be posted to the Website and that paper packets would be prepared for those who still want them.

Update on Status of DCPC Application for West Harwich

Mrs. Greenhalgh updated the board on the DCPC. She handed out draft decision to the Board from the Cape Cod Commission, who approved the nomination unanimously. The application is now being referred to the Assembly of Delegates. Lots of work will need to be done over the next few months.

ADVISORY OPINIONS:

Historic District & Historical Commission 11/20/19- Ms. Maslowski stated that Mr. Remondino will appear in front of the Historic Commission tomorrow night. There were no other comments.

Board of Appeals 12/04/2019-none

BRIEFINGS & REPORTS BY BOARD MEMBERS:

Ms. Maslowski gave the CPC report. She told the Board that they meet again Thursday night. Mrs. Greenhalgh shared that another party bought the Deacons Folly property so that application will not be going forward with the CPC.

ADJOURNMENT: The motion to adjourn was made by Chairman McParland at 8:23 PM, seconded by Mr. Harris, unanimously so voted.

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary.

Adopted:



— Existing IL District



— Existing IL District
— Proposed Expansion



 Existing Industrial Boundary

 Proped expansion west of the Industrial Boundary ~36 acres. addition IL

Existing Bylaws relative to Essential Services and Municipal Uses

§325-2

ESSENTIAL SERVICES

Services and appurtenant structures, facilities, uses or equipment provided by governmental agencies, including the Town of Harwich, or provided by public utility or public service companies, including but not limited to water distribution systems, Town-owned marinas, docking areas, fish piers, off-loading facilities, retaining walls, jetties and similar structures, gas and electric distribution, systems for telecommunications and sewerage systems.

MUNICIPAL USE

A use, whether in a structure and/or on a parcel of land, owned and/or operated by the Town of Harwich.

§325-13 Table 1

Use Table

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
Paragraph II – Public and Quasi Public Uses													
3	Essential services; facility, utilities	S	S	S	S	S	S	S	S	S	S	S	S
5	Municipal Use	P	P	P	P	P	P	P	P	P	P	P	P

There appears to be a direct conflict/contradiction between the definitions of “Essential Services” and “Municipal Use” and the Use Table.

One solution would be to change the Use Table to allow for “Essential Services: facility, utilities” to be permitted in all zoning districts.



Town of Harwich
District of Critical Planning Concern Designation Decision

CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Introduction

As authorized by Section 10 of the Cape Cod Commission Act, the Cape Cod Commission (“Commission”) hereby proposes the West Harwich commercial corridor, hereinafter described, for designation as a District of Critical Planning Concern (“District” or “DCPC”). The designation of this District was proposed by the Harwich Board of Selectmen.

The proposed West Harwich District qualifies under Section 10(a) of the Cape Cod Commission Act for proposed designation as a DCPC due to the presence of significant cultural, architectural, archaeological, historic, economic and transportation resources or values of regional, statewide, or national significance.

The purposes of this District are to preserve the significant historic and architectural resources in the area, to guide development to be consistent with the area’s unique character, to address safety and transportation impacts within the commercial zone on Route 28, and to promote small-scale businesses consistent with the area’s character.

Procedural Background

On September 17, 2019, the Commission received a proposed nomination for the West Harwich District of Critical Planning Concern (DCPC) from the Harwich Board of Selectmen pursuant to Section 10(d) of the Cape Cod Commission Act (“the Act”). Notice of the nomination was published in the Cape Cod Times on September 19, 2019, beginning a full moratorium on the issuance of development permits within the proposed DCPC. On October 3, 2019, the full Commission voted to accept for consideration the proposed nomination as a DCPC, which ended the full moratorium on development within the DCPC and began the limited moratorium as outlined in the October 3, 2019 Commission decision.

As authorized by the Commission’s Administrative Regulations, a Commission hearing officer held a duly noticed public hearing on October 22, 2019 at the Harwich Town Hall, Harwich, MA, to take testimony on whether the area should be proposed for designation as a DCPC. If designated as a DCPC, the Town would develop implementing regulations for the district, which would address the historic resource and character protection, transportation safety, and balanced economic development goals desired by the community.

Boundary

The nominated district consists of approximately 43 acres of land located entirely within the Town of Harwich, Village of West Harwich, and contains those parcels in the existing

Commercial Highway (CH-1) zoning district with frontage along State Highway/ Route 28 from the Dennis/Harwich town line (Division Street) to just west of the Herring River, with the exception of certain portions of parcels located at 93 Route 28, 97 Route 28, and 156 Riverside Drive that fall outside of said CH-1 district.

Findings and Guidelines

The Commission finds that the proposed district will preserve and maintain values and resources intended to be protected by the Act. The Commission specifically finds that controlled development within the proposed West Harwich District is important for the preservation of historical, cultural, archaeological, and architectural values; balanced economic growth; and the provision of adequate and safe transportation facilities. The Commission finds that there are planning and regulatory tools available which are likely to be effective in protecting or otherwise meeting the objectives of the District and that current regulatory mechanisms are not in place to control growth and development in a manner that would appropriately manage and protect the resources within the proposed District.

The Commission makes the following additional findings regarding the critical concerns in the proposed District:

Cultural Resources

The proposed District includes twenty-four historic structures dating from circa 1740-1914. The area was evaluated by Massachusetts Historical Commission staff in 2016 and determined eligible for listing on the National Register of Historic Places for its architectural significance and for its association with significant events in local history. The area is dubbed “Captain’s Row” for the large number of sea captains who built their homes there, and the buildings represent a wide range of architectural styles that were popular during the period of successful maritime industry in the region. While some historic buildings in the proposed District have been beautifully restored, others have been left vacant or in poor repair and may require incentives to promote their preservation.

Community Design

The proposed District encompasses the Commercial Highway-1 zoning district in West Harwich, which includes a variety of residential and commercial uses, some of which are ripe for redevelopment due to their age, configuration, or long-term vacancy. Because of the large number of historic structures and the unique character of the area, the site design and building design of any new development or redevelopment impacts the character of the area, which serves as a western gateway to the town of Harwich. Current zoning regulations allow for and encourage development patterns and building forms that are inconsistent with the historic development patterns in the area and harmful to its distinctive character. Context-sensitive building and site design regulations are needed to support the community’s vision for the district.

Transportation Safety

The proposed District follows the state-owned Route 28 corridor through West Harwich and has an annual average daily traffic volume of approximately 10,000 trips per day. The corridor had 40 crashes during the most recent five years of available data from the Massachusetts Registry of Motor Vehicles (2013-2017), including 15 that resulted in one or more injuries. The intersection of Route 28 and Division Street at the western edge of the proposed district experienced 18 crashes during the same time period, one resulting in a fatality and eight others resulting in non-fatal injuries. In addition, the area does not provide consistent adequate pedestrian and bicycle accommodations. Transportation management policies and regulations are needed in the district to address safety and congestion issues including curb cut design/site access, high traffic generating uses, and adequate facilities along Route 28 for all users.

Balanced Economic Development

Issues of character and transportation safety both influence the economic success of the proposed West Harwich District, which includes numerous locally owned businesses. The town would like to determine the appropriate balance between protecting community character and supporting a variety of local businesses in the area. In addition, the town is interested in re-establishing a West Harwich village center to provide a focal point and support small-scale businesses. Regulations that protect existing resources, incentivize appropriate uses and forms of development, and provide design guidance to property owners and developers will help the town achieve that balance.

Existing Regulatory Framework

The principal existing regulatory framework within the approximately 43-acre proposed District consists of the Harwich Zoning Bylaw and General Bylaws, Harwich Subdivision Rules and Regulations and Site Plan Special Permits, Harwich Wetlands Bylaw and Wetlands Regulations, and Harwich Board of Health Regulations.

Guidelines for Proposed Implementing Regulations

The following guidelines shall serve as the basis for the future establishment of implementing regulations to be adopted by the Town of Harwich pursuant to Section 11 of the Cape Cod Commission Act. In order for the implementing regulations to be approved, they must be found by the Commission to be consistent with the following guidelines.

Goals and Interests

The objective of these Guidelines is to ensure protection of the following goals and interests of the District through the establishment of implementing regulations by the Town of Harwich. The goals and interests of the District are to:

- Protect the historic resources in the District
- Respect traditional development patterns that support neighborhood and village development styles
- Enhance and protect the character of the West Harwich District
- Support and enhance the small-scale local economy in West Harwich
- Manage traffic congestion and improve access management along Route 28
- Improve bicyclist and pedestrian safety and access along the Route 28 corridor

Guideline 1: Historic and Cultural Resources

- Consider incentives to protect and preserve historic resources such as flexibility in dimensional regulations, allowing additional uses, or increased lot coverage on lots with historic structures
- Explore ways to prevent demolition of historic resources such as establishing a local or National Register historic district or strengthening the demolition delay bylaw
- Consider design guidelines for additions and alterations to historic structures

Guideline 2: Community Design

- Change dimensional regulations to be consistent with traditional development patterns, including building setback, parking location, and building massing. Traditional development patterns include, but are not limited to, buildings sited closer to the street and parking located to the side or rear of buildings with limited visual impact of parking along the street. The town should examine the scale, setbacks, and massing of existing historic structures to help define the appropriate scale and form of new development and redevelopment.
- Consider developing architectural and site design guidelines to protect community character

Guideline 3: Transportation Management and Safety

- Develop regulations that promote site access management best practices such as shared driveways and the minimization of number and width of curb cuts
- Work with MassDOT to explore ways to improve pedestrian, bicyclist, and transit accommodations along the Route 28 corridor
- Consider regulations that promote pedestrian connections to sites within the district
- Consider adopting regulations to limit high traffic generating uses within the district to improve traffic safety

Guideline 4: Balanced Local Economy

- Explore options for encouraging mixed use and multifamily development in forms consistent with the District's character
- Consider focusing density in one part of the District to create a village center focal point

- Review allowed uses and permitting processes and consider modifying them to support small-scale businesses, a diverse local economy, and reuse of historic properties
- Consider modifying lighting and signage regulations for the District to support its unique character

Time Frame for Action

The Town of Harwich has one year from the date of the enactment of an ordinance by the Assembly of Delegates establishing the West Harwich DCPC to adopt and incorporate implementing regulations that are consistent with the Cape Cod Commission guidelines into its official bylaws, regulations and maps. The Cape Cod Commission may grant an additional ninety-day extension of this time limit and may carry forward implementing regulations on the Town's behalf as provided by Section 11 of the Cape Cod Commission Act.

Conclusion

Based upon the reasons outlined in this decision, the Cape Cod Commission approves the request of the Harwich Board of Selectmen for designation of the West Harwich District of Critical Planning Concern and will forward the designation to the Assembly of Delegates for enactment as a County ordinance.

SIGNATURE(S)

Executed this _____ day of _____ 2019

Signature

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____, 2019

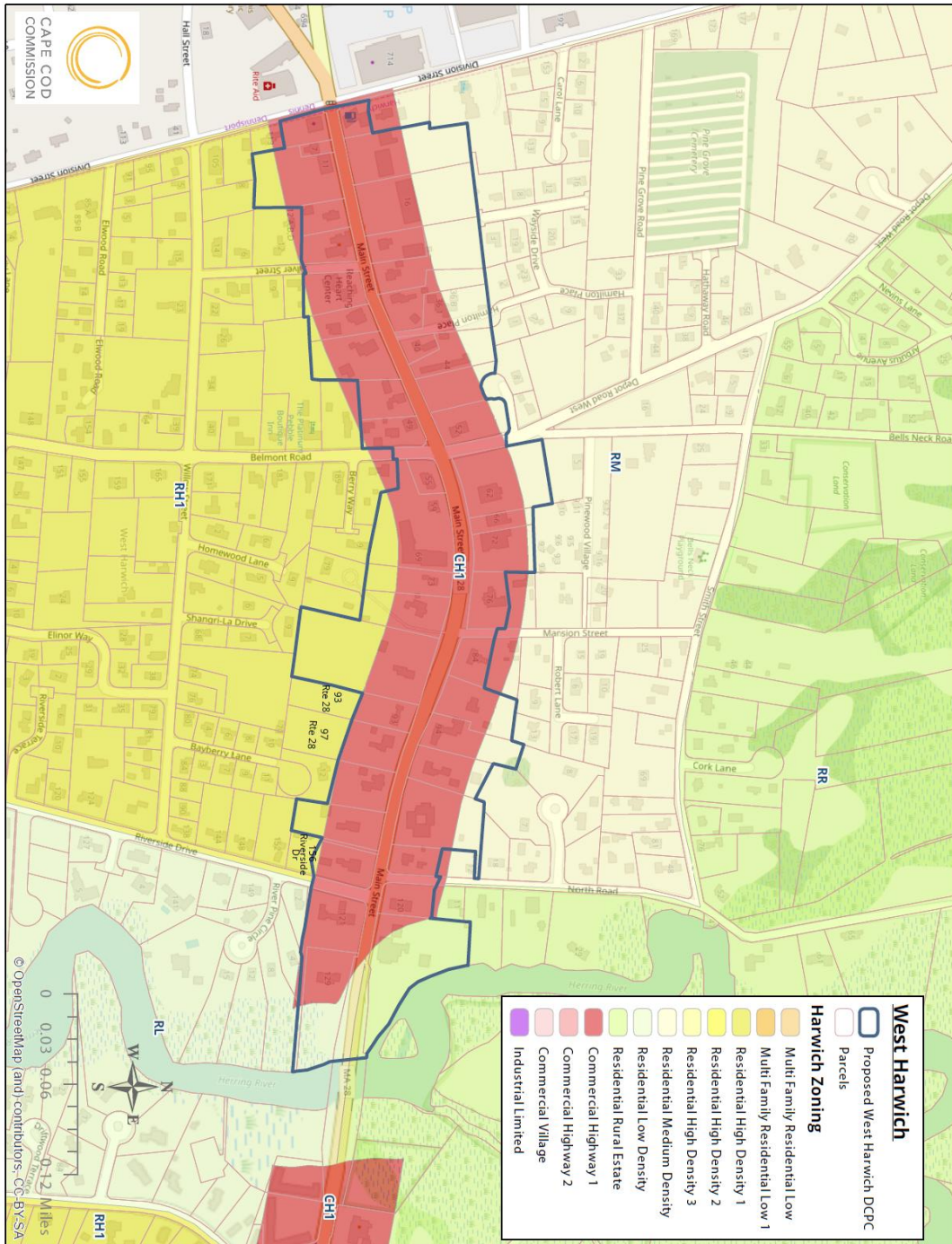
Before me, the undersigned notary public, personally appeared _____, in his/her capacity as _____ of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.

Notary Public

SEAL

My Commission Expires:

Exhibit A Map of DCPC Boundaries



TOWN OF WEST HARWICH DISTRICT – DCPC DECISION
NOVEMBER 14, 2019

Harwich Zoning Bylaws related to Multifamily

§325-2 – Definitions

DWELLING, **MULTIFAMILY**: A detached building containing three or more dwelling units, including an apartment house, garden apartment house, townhouse or row house.

BEDROOM: Any room used or intended to be used for sleeping purposes. For the purpose of determining the number of bedrooms in a proposed **multifamily** dwelling unit, all rooms which meet the minimum size requirements for habitable rooms under this bylaw other than a kitchen, bathroom and living/dining room shall be considered as bedrooms.

§325-3 Town division into Districts

Multifamily Residential - Low Density	MRL
Multifamily Residential - Low Density 1	MRL-1

§325-18 Additional Regulations

- E. On a lot used for **multifamily**, hotel or motel purposes, parking lots, roads, streets, tennis courts, swimming pools and like amenities and facilities shall not cover more than 15% of the area of the lot. For the purpose of this subsection, golf courses, putting greens, bowling greens and similar amenities which do not involve covering the ground with any impervious material shall not be included for the purpose of computing the total ground coverage of a project.
- H. No building permit may be issued for a **multifamily** dwelling project unless and until site plans showing the entire project to be constructed are submitted to the Building Official with the application for a building permit, and this requirement shall apply whether or not the project is to be built in phases.
- I. All ways intended for use by vehicular traffic within the perimeter of a **multifamily** dwelling project shall be installed and constructed in accordance with the requirements governing road construction set forth in the Subdivision Rules and Regulations, as adopted from time to time by the Harwich Planning Board.
- J. All **multifamily** dwellings must be connected to a municipal water system.
- K. A habitable room in a **multifamily** dwelling unit shall not have a minimum floor area of less than 120 square feet and shall have no major width or length dimension less than 10 feet. Closets, storage spaces, bathrooms and kitchens are not habitable rooms for the purpose of these minimum area and dimension requirements.
 - (1) All outside entrances to **multifamily** dwellings shall be designed in such manner as to provide protection to the immediate area in front of said entrance from the weather.
 - (2) No outside staircase shall be used to furnish primary access to any of the units in a **multifamily** dwelling, hotel or motel.

Harwich Zoning Bylaws related to Multifamily

- L. No multifamily dwellings may be erected on any lot in the MRL or MRL-1 District the geographical center of which is closer than 1,500 feet to the geographical center of any lot upon which multifamily dwellings with more than four dwelling units are constructed, provided that, for the purpose of this subsection, contiguous lots in common ownership may be considered as a single parcel and developed for multifamily use, provided further that lots separated by a road, street or way will be considered contiguous for the purpose of this subsection and, if commonly owned, may be treated as one parcel for the purpose of multifamily construction.
- M. Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible use of the area outside the Drinking Water Resource Protection District will be made for the disposal of toxic or hazardous materials and sewage.

§ 325-20 Stories for human use or occupation.

In reference to Table 3, maximum permitted height (stories), in no case may any building used for multifamily dwellings, hotel or motel use exceed 50 feet in height nor contain more than four levels for human occupation. In no case shall a single-family residence contain more than two levels for human occupation, provided that the basement or cellar of a single-family residence can be used as a family room or recreational room but shall not be used as sleeping quarters unless it is made to comply with the provisions of the Building Code regulating the design and construction of such rooms. In no case shall any other building provide more than two stories or levels for human use or occupation.

Table 2, Area Regulations

District	Use	Minimum Required				
		Lot Area (square feet)	Lot Frontage (contiguous feet)	Front (feet)	Side (feet)	Rear (feet)
MRL	Multifamily residential	10 contiguous acres minimum, 25 contiguous acres maximum; maximum density 8 bedrooms per acre	150	50	50	50
	Any other permitted use	40,000	150	25	20	20
MRL-1	Multifamily residential	8 contiguous acres minimum; maximum density 4 bedrooms per acre, provided Planning Board may give a density bonus as elsewhere provided in this bylaw	150	50	50	50

Harwich Zoning Bylaws related to Multifamily

§325-42 Design Requirements (Parking)

- G. For any multifamily, commercial or industrial parcel of land, there shall be no more than two driveways per roadway frontage.
- H. Any entrance or exit driveway for a single- or two-family residential use shall not exceed 24 feet in width at its intersection with the front lot line. For any multifamily, commercial or industrial use, any entrance or exit driveway shall not exceed 50 feet in width when measured in the aforesaid manner. Should a driveway for a multifamily, commercial or industrial use require a width in excess of 50 feet, justification for this increase in width shall be provided by the applicant to the Planning Board for review, approval or denial as part of the site plan review process. Notwithstanding the foregoing, in any case where state regulations or requirements mandate a different driveway width or location, the provision of said regulations or requirements shall govern and supersede this provision. The radius of the access drive at the road shall be 25 feet. The radius of any access road shall not extend beyond the property line of the property which it serves. The minimum distance between the side lines of such drives and the side lines of any intersecting street and any other street access drive, measured between where such street and driveway side lines intersect the adjacent street line, shall be as follows:

Types of Drive	Minimum Distance (feet)		
	From Intersecting Streets	From Other Drives	From Side Lot Line
	Drives serving a dwelling	50	20
Drives serving a hotel or motel	50	50	—
Drives serving other permitted principal structures/uses in a			
Residential district	50	50	10
Commercial district	50	50	10
Industrial district	50	50	10

§325-29 Off-Street Parking Schedule

Use	Parking Spaces
Residential Uses	
Single-family dwelling, two-family dwelling	2
Single-family dwelling with accessory apartment, multifamily or mixed-use development	1.5 per unit

Harwich Zoning Bylaws related to Multifamily

325 Attachment 1

Town of Harwich Table 1, Use Regulations

[Amended 5-3-2011 STM by Art. 23; 5-7-2013 STM by Art. 12; 5-2-2016 ATM by Art. 47; 5-7-2018 ATM by Art. 33]

Note: Uses followed by parentheses designate uses with further requirements. The number referenced is a section(s) of the Zoning Bylaw.

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
8 Multifamily dwelling	—	—	—	—	S	S	—	—	—	—	S	S	S

§325-51 Special Permits

D. Special permit to construct multifamily dwellings, hotels or motels.

- (1) The Planning Board, in acting upon an application for special permit to construct multifamily dwellings, hotels or motels, shall have the authority, pursuant to MGL c. 40A, § 9, to include in the grant of permission authorization to increase the permissible density of population or intensity of a particular use in a proposed development, provided that the petitioner or applicant shall, as a condition for the grant of authority to increase permissible density, provide certain open space or some or all of the amenities hereafter listed, but the Board shall not have the authority to increase the density of population or intensity of uses beyond the maximums hereafter specified.

Amenity	Maximum Density Increase
Swimming pool	8%
Tennis courts	4%
Golf course	16%
Community building or recreation building	2%

- (2) For the purpose of ensuring that an applicant or petitioner constructs the proposed amenities in accordance with the plans and specifications submitted to the Planning Board, the Planning Board shall require, as a condition to the granting of the permit, that the applicant or petitioner execute a covenant on such reasonable terms and conditions as the Planning Board may specify and wherein the petitioner or applicant shall agree to construct the amenities as proposed in accordance with a timetable approved by the Planning Board, and the Planning Board may require that the amenity or amenities, once constructed, shall be under the control or jurisdiction of a nonprofit organization, the principal purpose of which is the maintenance and management of said amenities, or that control of said amenities be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development. The covenant required hereunder shall be recorded at the Barnstable County Registry of Deeds before any work authorized by the special permit is begun, and no lot, dwelling or multifamily dwelling unit shall be conveyed (except as provided in MGL c. 41, § 81U, Clause 2) until said covenant has been released in whole or as it relates to the portion of the premises to be conveyed by duly executed instrument or release by the Planning Board.

Harwich Zoning Bylaws related to Multifamily

§ 325-55 Site plan approval.

- A. Purpose. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Harwich by providing detailed review of the design and layout of certain developments which have a substantial impact upon the character of the Town and upon traffic, utilities and services therein.
- B. Powers. The Planning Board is hereby designated the special permit granting authority for site plan approval regarding activities which are set forth in Subsection C.
- C. Applicability. In addition to any special permit or variance required under the Table of Use Regulations, the following development activities shall require a site plan special permit from the Planning Board:
 - (1) Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: a commercial, industrial, multifamily, educational or municipal use, or personal wireless service facility; or the creation of a drive-up or drive-through window.
 - (2) Expansion or reconfiguration of an existing parking lot and/or driveway(s) in connection with a commercial, industrial, multifamily, educational or municipal use, or personal wireless service facility.
 - (3) Establishment of any new commercial, industrial, multifamily, educational, municipal, fast-food/takeout restaurant or personal wireless service facility.
 - (4) Establishment of any new retail use(s) in the Industrial (IL) Zone.