

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM
TUESDAY, SEPTEMBER 10, 2019 – 6:30 PM
MEETING MINUTES**

BOARD MEMBERS PRESENT: Chairman Joseph McParland; Mary Maslowski; Duncan Berry; David Harris, and William Stolz. Vice-Chairman Alan Peterson arrived at 6:32 pm.

BOARD MEMBERS ABSENT: Craig Chadwick.

OTHERS PRESENT: Town Planner, Charleen Greenhalgh; Chamber of Commerce Director, Cyndi Williams; Frank and Diane Puzio; William Crowell; Brian Langelier; Joan King; Mikheil Golovyan; Ralph King; David Clark; Matthew Bombaci; Sally Urbano; Frank Giso; Sarah Korjeff; and others.

CALL TO ORDER - 6:30 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.

PB2019-22 Ronald Remondino & Lisa Stoker, Site Plan & Use Special Permits, 521 Route 28

Owners seek approval of a Site Plan Review Special Permit and Special Permits for Mixed Use and Village Commercial Overlay with waivers. The application proposes a 930± SF commercial addition, conversion of the second floor from residential use to commercial use and maintaining an existing residential dwelling unit at the rear of the building. The property is located at 521 Route 28, Map 14 Parcel P3-A in the C-V and V-C overlay districts and is pursuant to the Code of the Town Harwich §325-51.L, -51.M, and -55. Continued from August 27, 2019.

Chairman McParland re-opened the hearing at 6:30 PM.

On the request of the applicant's representative, Ms. Maslowski made the motion to continue PB2019-22 to October 8, 2019, no earlier than 6:30 PM, seconded by Mr. Harris, unanimously so voted, with the exception of Mr. Peterson, who had not yet arrived.

PB2019-34 Martin D. Rich, 7 Lot Definitive Subdivision, 0 Deacons Folly

Chairman McParland opened the hearing at 6:31 PM by reading the legal notice into the record, the applicant seeks approval of a seven (7) Lot (one with a panhandle) Definitive Subdivision pursuant to M.G.L. c.41 §81K-GG and §§325-18.Q and 400 of the Code of Town of Harwich for property located at 0 Deacon's Folly Road, Map 46, Parcel F5, within the R-L zoning district. No new or additional roads are proposed.

On the request from the applicant's representative, Ms. Maslowski made the motion to continue PB2019-34 to September 24, 2019, no earlier than 6:30 PM, seconded by Mr. Harris, unanimously so voted, with the exception of Mr. Peterson, who had not yet arrived.

PB2019-36 Deerfield Nominee Trust, Site Plan Review Special Permit, 4 Deerfield Road

Chairman McParland opened the hearing at 6:32 PM, the 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.

On the request from the applicant's representative, Ms. Maslowski made the motion to continue PB2019-36 to September 24, 2019, no earlier than 6:30 PM, seconded by Mr. Harris, unanimously so voted, with the exception of Mr. Peterson, who had not yet arrived.

PB2019-30 First Crush Winery Cape Cod, LLC, Modification of a Site Plan Review Special Permit, 527 Main Street.

Representatives: Frank D. & Diane M. Puzio

Chairman McParland re-opened the hearing at 6:33 PM. The applicant seek approval of a Modification of a Site Plan Review Special Permit related to parking regulations and for a new Use Special Permit for Retail Sales in the Industrial-Limited (I-L). The application is pursuant to the Code of the Town of Harwich §325-51 & -55. The property is located at 527 (Bldg. C) Main Street, Map 39, Parcels K6-16, -17 & -18 in the I-L Zoning District. This is a continuance from August 27, 2019.

Mr. McParland stated that the Board has heard from both Police and Fire. Via email received 8/28/19 from Deputy Chief Kevin Considine - "The PD has no issues with parking at this location. I reviewed history at this location as well and we have had no parking complaints." Via email received 8/28/19 from Deputy Chief David LeBlanc – "The fire department has no concerns regarding the parking at First Crush."

Frank Puzio explained that they are back to ask for a change in site plan, and to request retail space for the winery.

Ms. Maslowski made the motion to close the public hearing at 6:35 PM, seconded by Mr. Harris, unanimously so voted.

On a motion from Ms. Maslowski and seconded by Mr. Harris the Board voted unanimously (5-0-0) to adopt the following finding of fact for the Use Special Permit:

1. The property is located within the IL zoning district.
2. The use as developed will not adversely affect the neighborhood.
3. The specific site is an appropriate location for such a use.
4. The site went through previous Site Plan Reviews.
5. There will be no nuisance or serious hazard to vehicles or pedestrians.
6. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including appropriate sewage treatment.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (5-0-0) to approve with conditions a Use Special Permit for retail sales within an Industrial (IL) zoning district pursuant to §325-13, ¶IV.32A and §325-14(N) of the Code of the Town of Harwich for

property located at 527 (Bldg. C) Main Street, Map 39, Parcels K6-16, -17 & -18. The decision is based on the aforementioned findings and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following conditions are imposed:

- a. The septic system is not designed for food service, and no food is to be prepared on site.
- b. Any changes to the use may require further Planning Board Review.
- c. This decision shall be recorded at the Barnstable Registry of Deeds.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (5-0-0) to approve the following waivers pursuant to §400 as requested based on the facts presented by the applicant:

1. Two sets of drainage calculations.
2. Legend of all symbols shown on the plan.
3. Names and addresses of owner(s) of record shown on the plan.
4. Names, deed and plan references of all direct abutters shown on the plan.
5. Gross area of wetlands and uplands for the total parcel in square feet, acres and percentages shown on the plan.
6. Marked area(s) subject to Wetlands Protection Act shown on the plan.
7. Lighting
8. Easements
9. Free Standing Signs
10. Traffic circulations arrows
11. Specifications, details, cross sections for: lighting; curbing; fencing; retaining walls; parking and wheel stops
12. Landscaping Plan
13. Building Plans

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (5-0-0) to adopt the following finding of fact for the Site Plan Review Special Permit:

1. The property is located within the IL zoning district.
2. The additional parking spaces will not increase lot coverage.
3. A small area of pavement will be removed
4. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (5-0-0) to approve with conditions case number PB2019-30 for First Crush Winery Cape Cod, **LLC**, for a Site Plan Review Special Permit with waivers to add nine (9) additional parking spaces for retail sales areas for property located at 527 (Bldg. C) Main Street, Map 39, Parcels K6-16, -17 & -18 in the IL zoning district. The application is pursuant to the Code of the Town of Harwich §325-51.M, and 55. This decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following conditions are imposed:

1. All signage shall comply with the Sign Code and Building Department Requirements.
2. This decision shall be recorded at the Barnstable Registry of Deeds.

3. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

PB2019-33 Brian A. Langelier, Trustee et al, Site Plan Review Special Permit, 809 Route 28
Representative: Attorney William Crowell & Brian Langelier

Chairman McParland opened the hearing at 6:37 PM by reading the legal notice into the record. The applicant seeks approval of a Site Plan Review Special Permit, with waivers, pursuant to the Code of the Town Harwich §325-55 for the proposed storage of boats, and a use Special Permit pursuant to §325-13 §IV.32.A and §325-51 for a Restaurant, Fast Food – Take Out (Mobile Food Truck) at property located at 809 Route 28, Map 24, Parcel W6-1 in the C-H-1 zoning district.

Attorney Crowell explained that the property is adjacent to another lot that the applicant, Mr. Langelier, owns. The applicant is seeking two passive uses for the property. The first is Boat and Boat trailer storage, which is allowable by right. The second request is for a mobile food truck to be located on site. Attorney Crowell continued to explain that Police and Fire have no concerns with this application. The property is located on Route 28 in the commercial district. If the Town Planner or Town Engineer would like conditions imposed, the applicant is certainly willing to cooperate. As far as the mobile food truck, safety will not be impaired, and there will be no impact on traffic. The site is an appropriate location for these uses. The boat storage would begin mid to late September, and likely end in June. The food truck would operate during the summer months, and this will help generate income for the property. Adequate facilities are provided. The Board of Health has indicated that no tables are allowed on the site, and the applicant is agreeable to that. If the plan needs to be adjusted, the applicant is willing to do so.

Mrs. Greenhalgh read the departmental input and the Town planners report into the record as follows: Health: The project has been reviewed by the Health Department. The proposal includes locating a mobile food truck on the site with convenience type seating. There is no objection from the Health Department regarding this proposal, however the following conditions are recommended: The Mobile Food Truck must obtain a permit from the Health Department prior to operation. The mobile food truck must return to its base of operation daily for trash removal, fresh potable water, wastewater discharge, food storage and general cleaning. Water from the onsite well shall not be used for the food truck operation or connected to the food truck. There shall be no table service provided to customers- take-out food only. If temporary restrooms are provided (port-a-pottys), portable handwashing stations must also be provided. Fire, Police, Highway, Building, & Conservation: No concerns. Engineering: The accessible parking space shall be a van accessible space, the size of which should be 11-ft wide with a 5-ft wide adjacent access aisle in accordance with Massachusetts Architectural Access Board (AAB) and the Americans with Disabilities Act (ADA) standards/regulations. The parking space shall be appropriately marked and include signage. It is not clear how Stormwater runoff is proposed to be managed for the site. Stormwater calculations have not been provided. The limits of peastone should be clearly defined on the site plans? Is the proposed paved apron proposed to be maintained? How are the parking spaces for both uses proposed to be delineated? Parking area dimensions should be provided on the boat storage plan. What are the size restrictions for boat storage at each of the different size boat storage parking spaces provided? The original submitted plans indicated a table area, the revised plans do not include a table area. Is a table area intended

to be included? It should be noted that outdoor seating may require additional parking. Accessibility should also be accommodated for (per AAB/ADA standards/requirements) if a table area is included. Pavement construction details are recommended to be provided. What is the proposed surface treatment for areas disturbed by construction outside of the proposed parking limits? Vehicular protection for the proposed mobile food truck is recommended. Are any utility service connections required for the mobile food truck? The plan doesn't appear to show any.

Planning Staff Comments: 1) The boat storage use is allowable in the C-H-1 zoning district by right. 2) The food truck use is allowable in the C-H-1 zoning district through the special permit process. 3) A small portion of the property at the rear of the lot is located within the R-M zoning district. Both proposed uses are located outside the R-M district. 4) No exterior lighting is proposed. 5) A condition regarding the installation of a fence, perhaps split-rail, along the zoning district boundary line would be appropriate. 6) A condition regarding disposal of trash would be appropriate. 7) Any signage will require a Sign Permit from the Building Department. 8) The Board may wish to impose restriction/conditions for the food truck. Some examples: **a.** Conditioned to operations between June 15 – September 15; **b.** Conditioned to specific times during the day (i.e. only serving lunch (11:00 am – 3:00 pm); **c.** Any increases in the need for additional on-site parking shall require the applicant to return to the Planning Board for further review and approvals. 9) The waivers requested are reasonable.

Mr. Stoltz asked about trash containers. Mr. Langelier stated that it would be the responsibility of the Mobile Food Truck owner. He has been asked by a restaurant to rent out this area.

Ms. Maslowski asked what dates they were looking to operate. Mr. Langelier stated most likely Memorial Day through Labor Day.

Mr. Peterson clarified that the Board of Health said no table service, not no tables.

Mr. Stoltz asked if there is a conflict in the two uses overlapping. Mr. Crowell stated that the Boat storage would be on the perimeter of the property, and the food truck will be centrally located. There would be no conflict. Ms. Maslowski stated that her concern would be if you are trying to get a boat out, then the food truck would be in the way. Mr. Langelier stated that in the overlap season it would be his managerial duties to schedule that.

Mr. Stoltz asked about time of service. Mr. Langelier requested to have food service 8 AM to 3 PM. Mr. Stoltz asked about paving. Mr. Langelier stated they will pave a 20' x 40' area, and the handicapped space is included in that area. Mr. Stoltz would like the plan marked with the number of spaces provided.

Joan King, 16 Schooner Drive, asked what is happening to the garage business next door. Will that be where the food truck is located? Mrs. Greenhalgh explained that this lot is located in between the garage use and the Building under renovation. The food truck will not be on the garage property. Mr. Langelier stated that this is currently a vacant lot.

Ralph King asked what the hours of operation will be, and will lights be used. Mr. Langelier said that this will be a day time operation, lighting will not be used. If the hours wanted to change,

they would have go before the board again. Mr. King asked how many Boats will be allowed. Mr. Crowell said it depends on the size of the boats. Mr. Langelier said it comes down to square footage.

Mr. King asked if this Board has the authority to dictate the number of Boats allowed. Mrs. Greenhalgh stated that it is possible the Board could dictate 24 boats maximum, since that is the number of spaces provided on the plan, if the Board wished to do so. It was responded that it depends on the size of the Boat, and comes down to square footage.

Mikheil Golovyan, 20 Schooner Drive, asked what kind of tables will be allowed. It was responded picnic tables. He would like to know where they will be located. Mr. Langelier stated it comes down to what the Board of Health would allow. It was then pointed out on the plan where tables were being proposed as of now. Mr. Golovyan stated that he is concerned with garbage coming onto his property. It was responded that a fence will be installed.

Mr. Harris stated that as the Engineer mentioned, if tables are present, it might change the number of parking spaces needed. Mrs. Greenhalgh said parking would not be impacted by convenience seating, but by number of employees.

Mr. Stoltz asked if they should put a time limit on the Boat Storage. Ms. Maslowski stated that there will be overlap. Mr. Crowell stated that the site is designed for overlap. Mr. Harris stated that there is certainly a potential conflict, but it would be a coordination problem at a managerial level, not necessarily at the Boards level. A lengthy discussion ensued.

Ms. Maslowski made the motion to close the public hearing at 7:21 PM, seconded by Mr. Peterson, unanimously so voted.

On a motion from Ms. Maslowski and seconded by Mr. Harris the Board voted unanimously (6-0-0) to adopt the following findings of fact for the Use Special Permit:

1. Said parcel for the proposed use is in the C-H-1 Zoning District.
2. The use is a 'permitted use' by the Planning Board as the Special Permit Granting Authority in the C-H-1 zoning district.
3. The business operation is contained wholly within the C-H-1 district.
4. There will be no new site lighting in connection with the mobile food truck.
5. The proposed use will not adversely impact traffic flow and safety.
6. The proposed use will be compatible with surrounding land uses.
7. The mobile food truck operation is seasonal by nature.
8. The applicant must comply with all local and state food service regulations for mobile food operation.
9. The mobile food cart will not be stored at the site when not in operation.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (5-0-0) to approve with conditions the Use Special Permit for PB2019-33 Brian A. Langelier, Trustee et al, pursuant to §325-13 §IV.32.A and §325-51 for a Restaurant, Fast Food – Take Out (Mobile Food Truck) at property located at 809 Route 28, Map 24, Parcel W6-1 in the C-H-1 zoning district. The decision is based on the above findings and the fact that the application meets the

necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following conditions are imposed:

1. The Mobile Food Truck must obtain a permit from the Health Department prior to operation.
2. The mobile food truck must return to its base of operation daily for trash removal, fresh potable water, wastewater discharge, food storage and general cleaning.
3. Water from the onsite well shall not be used for the food truck operation or connected to the food truck.
4. There shall be no table service provided to customers- take-out food only.
5. If temporary restrooms are provided (port-a-pottys), portable handwashing stations must also be provided.
6. This special permit is specific to the location shown on the plan.
7. No retail sales or displays are allowed outside the truck.
8. A minimum of two (2) trash receptacles shall be available during the hours that the food truck is in operation. The trash receptacles shall be removed when the food truck is not in operation.
9. All signage is subject to all Town of Harwich Code regulations and specifically Article VII.
10. The Use may operate from May 15 – October 1 annually.
11. Hours of Operation shall be 8 A.M. – 3 P.M. daily.

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

1. Parking §325-38 Applicability: Existing buildings, structures and land uses are not subject to these off-street parking and loading requirements and may be rebuilt, changed or repaired but not enlarged, altered or subject to a change in use so as to increase demand without becoming subject to these requirements.
 - a. §325-39 Off-Street Parking
 - b. §325-40 Loading Requirement
 - c. §325-41 Location Requirements
 - d. §325-42 Design Requirements
 - e. And any portion thereof of the Off-Street Parking, as may be deemed appropriate
2. Dumpster location §325-41: No trash facility is proposed onsite.
3. Landscaping Requirements §325-43.C: no landscaping of interior of parking area is proposed.
4. Drainage Calculations and Map.

On a motion from Ms. Maslowski seconded by Mr. Harris the Board voted unanimously (6-0-0) to adopt the following findings of fact for the Site Plan Review Special Permit:

1. The property is located within the C-H-1 zoning district.
2. The use is allowable by right.
3. No structures/buildings are proposed.
4. The access is over the existing curb cut on Route 28.
5. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.

On a motion from Ms. Maslowski seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve with conditions case number PB2019-33 Brian A. Langelier, Trustee et al, for a Site Plan Review Special Permit, with waivers, pursuant to the Code of the Town Harwich §325-55 for the proposed storage of boats and a Restaurant, Fast Food – Take Out (Mobile Food Truck) at property 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. Boat Storage shall be limited to the area of the boundaries as shown on the plan.
2. A split rail fence shall be installed along the zoning district boundary line – R-M and C-H-1 in the cleared area as shown on the plan.
3. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
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. The decision shall be recorded at the Barnstable County Registry of Deeds.

PB2019-35 Route 137 Development, LLC, Ten Lot Subdivision with Panhandle, Chatham-Brewster Road

Representative: David A. Clark, PE

Chairman McParland opened the hearing at 7:31 PM by reading the legal notice into the record. The applicant seeks approval of a ten (10) lot preliminary subdivision plan, one of which is a panhandle lot, and one (1) parcel. The application is pursuant to the Code of the Town of Harwich c.400, Article II as set forth in MGL c. 41 §88 K-GG and §325-18(Q). The property is located on Chatham - Brewster Road (aka Route 137), between Chrisjobeth Circle and Sherwood Road on Assessor's Maps 97 & 108 with a portion of land being identified as parcels Misc. 50, Misc. 69 and 70. The land is the R-R and W-R zoning districts.

Mr. Clark stating that the Board of Health is reviewing the application tonight, and the Town Engineer has not had an opportunity to review the process. Therefore he would like to request a continuance to September 24, 2019.

Ms. Maslowski made the motion to continue the hearing to September 24, 2019 no later than 6:30 PM, seconded by Mr. Peterson, unanimously so voted.

PB2019-37 Sunrise Nominee Trust, Approval Not Required, 48 & 52 Route 28

Representatives: Matthew Bombaci, PE

Sunrise Nominee Trust as owners, seek endorsement of a two (2) lot Approval Not Required plan entitled "Approval Not Required Plan of Land" dated 08/23/2019 prepared by Gerald L. Holdright, PLS, pursuant to M.G.L. c. §81 P and §400-9 of the Codes of the Town of Harwich for property located at 48 & 52 Route 28, Map 10, Parcels D4-1 and D4-2 respectively. The parcels are in the C-H-1 & R-M zoning districts.

Mr. Bombaci stated that the land owner would like to adjust the lot lines. They would like to slide the common lot line over. The setbacks will still be met. Both lots front on a public way. They both meet the minimum frontage requirements, and provide adequate right of way access.

Chairman McParland asked what the owner intends to do with the property. Mr. Bombaci stated he does not know. It was asked if there will be curb-cuts. It was responded no.

Mrs. Greenhalgh read the departmental input and the Town planners report into the record. Planning: 1) This proposal meets the minimum criteria for endorsement of an ANR plan pursuant to §400-9 of the Harwich Town Code and pursuant to Massachusetts General Law Chapter 41§81 K-GG (adequate frontage for the zoning district – 100 feet, with adequate access – State Road and Town Road). 2) Lot D4-1 has frontage on Route 28 and Lot D4-2 has frontage on both Route 28 and Depot Road West). Engineering: No concerns. Health: Pending. She also explained that she had contact Mr. Bombaci to let him know that although the ANR plan met the necessary criteria for endorsement as an ANR, the plan may still result in the creation of zoning violations.

Frank Giso, of Wah Wah Taysee Road, stated that the sole purpose of this is to freeze the zoning for use(s). The next item on the agenda is the DCPC referral. This property will have zoning frozen in place with what currently exists. If you change the zoning and don't go the full route, any zoning change will not effect this property for three years. He agrees that there's no way to withhold approval.

Mr. Berry asked if the Board routinely creates non-conforming lots. Mrs. Greenhalgh stated that through the ANR process, you have no choice. If it meets the frontage, and adequately access it meets the requirements for endorsement.

A lengthy discussion ensued regarding the ANR. Mrs. Greenhalgh explained that the Board had three options available: 1) Vote to endorse the ANR; or 2) Deny the ANR specifically *detailing* why it does not meet the requirements for endorsement as an ANR; or 3) Take no action; which would result in the Town Clerk certifying that the Planning Board took no action within the statutory time.

There was no motion made to endorse the plan or to take any other action.

Continued discussion on District of Critical Planning Concern (DCPC) and potential recommendation of nomination of the West Harwich Corridor (Dennisport Town Line to Herring River) as a DCPC.

Chairman McParland read a memorandum into the record from absent Board member Craig Chadwick. The complete letter can be found in correspondence related to the DCPC, but the main points are as follows:

- Conceptually he is in favor of preserving historic buildings, provided it can be done so safely.
- He is not in favor of taking action that would invoke a moratorium to delay the demolition permit for the Captain Baker House.
- Numerous reasons for his position, but primary reasons are life-safety and health issues associated with the building.

- In 2018 the Trinity Engineering Group reported that it found (in part) that the building is structurally unsound, it is not economically feasible to make the repairs that would be required to make the building livable.
- The Fire Chief presented a letter to the Historic District/Historic Commission (HDHC) 9/9/18 recommending that a demo delay not be granted, and the structure be removed.
- Doesn't know what Mr. Doane (of HDHC) did in order to reach the conclusion that the building is repairable.
- Let's learn from history, not repeat it.
- Tragedy can happen here, and almost has. A cooking fire was already lit inside the building by homeless members.
- Perplexed that the powers that be have chosen to ignore the Fire Chiefs concerns and recommendations.
- Has other concerns he would like to discuss before any vote is taken.

Ms. Maslowski clarified that the HDHC voted a demo delay last September, but she is not certain of the exact date. After a full, advertised, public hearing, the demo delay was voted upon. The HDHC did not take these comments or situations lightly. The dwelling can be boarded up, and it is the owner's responsibility to ensure that it is. She stated that she is also the Chairperson of the HDHC.

Mr. Harris stated that categorically, there is no building that cannot be renovated. There is more than just health and safety that also needs to be considered, and that is the character of the building. The building can safely be boarded up. This building could be on the national register. We have a heritage in Captain's Row, and destroying this building destroys that heritage. He respectfully disagrees with Mr. Chadwick.

Mr. Berry stated who are we to decide the value of what is in private hands. These are questions of values.

Mrs. Greenhalgh reviewed the entire DCPC application for the Board, which covers along Route 28 from the Dennisport/Harwich town line to the western shore of the Herring River.

Chairman McParland read another memorandum from Craig Chadwick into the record. The complete letter can be found under record PB2019-DCPC, but the main points are as follows:

- Questioning the Town Planner preparing a draft nomination form due to the fact that the Board of Selectmen specifically did not request or direct the Board to prepare said document.
- At a previous Planning Board meeting he requested that the Board take no action until a written request is received from the Board of Selectmen.
- A pre-application conference must be held, which has not been done.
- The Board needs to proceed cautiously and very deliberately.
- He disagrees with the Town Planner, and does not feel this is cautious or deliberate.

Ms. Maslowski stated that she was at the Selectmen's meeting when they referred it to the Planning Board. This is exactly what they are supposed to be doing. The Selectmen need to have a completed document in order to make an appropriate, informed, decision.

Mrs. Greenhalgh stated the nominating entity as presented on the application is the Town of Harwich, not this Board. At the end of the last planning board meeting, she clearly stated to the Board that as the Town Planner, she would continue to prepare the DCPC draft, in that role. She needs to keep doing her job as the Town Planner and that she works for Administration. This draft document at this time is her work and she can bring this to the Selectmen.

Chairman McParland stated he would be uncomfortable voting this evening.

Chairman McParland asked Sarah Korjeff if they are going in the right direction.

Sarah Korjeff stated that it is the Towns decision. There are three questions the town can ask themselves; first, are you protecting a resource- which you are, second, does a special planning effort help address issues of concern- the draft is pretty clear that changes in the zoning would make a big difference, and the third question is, can Cape Cod Commission staff help in the process- and the answer is yes. This draft application would meet the three tests for a DCPC nomination. It is up to the Town to take that step.

Chairman McParland asked if the Board is the nominating entity. Ms. Korjeff stated that it is the Boards choice. The Planning Board or the Board of Selectmen can submit the nomination. If the planning board submits the nomination, the Board of Selectmen need to provide comments with the application. It doesn't change the outcome. The strongest nominations have support from multiple boards.

Mr. Harris agrees completely with Ms. Maslowski. When any application seeks approval, how can you merit approval without knowing all the facts? If the Board doesn't supply the Board of Selectmen with all the facts, how can they make an informed decision? This is a great first draft. This is exactly what we should be doing. They should also look at the negatives as well, then act accordingly. Mr. Harris then asked Ms. Korjeff if the Town's DCPC nomination would be strengthened by more fully documenting "Captains Row," as the primary component of the Cultural, Historic, Architectural or Archeological Resource District element of the DCPC application. Ms. Korjeff responded that it would.

A lengthy discussion ensued.

Cyndi Williams stated that she attends all of the Board of Selectmen meetings. The Board of Selectmen referred this to Planning Board because they want the Boards input. This village is now in the forefront of everyone looking at it, and what everyone is trying to do for it. This is a great thing. You need to bring it back to the Board of Selectmen, please vote tonight.

Sally Urbano thanked the Planning Board and Sarah Korjeff. She said there is some urgency to a vote, she also attended the Board of Selectmen's meeting, and this is what they wanted.

Mr. Harris asked about the time frame of the process, and Ms. Korjeff reviewed the timeline.

Mr. Harris made the motion to recommend that staff continue to flesh out this application based on the comments this evening, seconded by Mr. McParland. Motion did not carry and thus failed.

Ms. Maslowski made the motion to refer the draft document with any comments back to the Board of Selectmen for the next meeting with a statement of support moving forward as drafted, seconded by Mr. Stoltz. So voted 5 in favor (Mr. Berry, Mr. Peterson, Mr. Harris, Ms. Maslowski and Mr. Stoltz) and one opposed (Mr. McParland).

MEETING MINUTES

Mr. Peterson made the motion to approve the minutes as is from August 27, 2019, seconded by Ms. Maslowski, unanimously so voted.

ADVISORY OPINION ZONING BOARD OF APPEALS 9/25/19- None

BRIEFINGS & REPORTS BY BOARD MEMBERS

Chairman McParland said that the Capital Outlay Committee is moving forward, things are happening.

Ms. Maslowski stated that the CPC meeting is Thursday, applications are due October 1st. Historic commission meets on September 18th.

The motion to adjourn was made by Mr. McParland at 8:54 PM, seconded by Ms. Maslowski. Unanimously so voted.

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary.

Adopted: November 7, 2019