

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM
TUESDAY, SEPTEMBER 24, 2019 – 6:30 PM
MEETING MINUTES**

BOARD MEMBERS PRESENT: Chairman Joseph McParland; Mary Maslowski; David Harris; Craig Chadwick.

BOARD MEMBERS ABSENT: Vice-Chairman Alan Peterson; Duncan Berry; William Stolz.

OTHERS PRESENT: Town Planner, Charleen Greenhalgh; David Clark; Clara McLardy; Peggy Gabour; Sandy McLardy; Jean Williams; Wayne Robillard; Scott Smith; Judith Rose; and others.

CALL TO ORDER - 6:30 PM by Mr. McParland with quorum present, but without a full Board.

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.

PB2019-32 John E. Pina, Thomas J. & Jodie C. Blute, 3 Lot Subdivision, 1 & 2 J's Path

Chairman McParland re-opened the hearing at 6:31 PM. Owners seek approval of a three (3) lot Modification of a Definitive Subdivision with waivers including one panhandle lot pursuant to the Code of the Town of Harwich § 325-18(Q) and M.G.L. c.41, §§81KGG. The properties are located 1 & 2 J's Path, Map 72, Parcels C1-1 and C1-2, respectively, in the R-R zoning district. *(Continued from 8/27/19)*

Ms. Maslowski made the motion to continue the hearing to October 8, 2019 no earlier than 6:30 PM, seconded by Chairman McParland, unanimously so voted.

PB2019-29 Davenport Companies, 4 Lot Subdivision w/ Panhandle Lot, 79 Headwaters Dr

Chairman McParland re-opened the hearing at 6:32 PM. Estate of James G. Marceline, as owner(s) seeks approval of a four (4) lot Definitive Subdivision including one panhandle lot pursuant to §§ 325-18(Q) and 400 of the Code of the Town of Harwich and M.G.L. c.41, §§81K-GG. The property is located at 79 Headwaters Drive, Map 81, Parcel C1 in the R-R zoning district. *Continued from 8/27/19.*

Ms. Maslowski made the motion to continue the hearing to October 8, 2019 no earlier than 6:30 PM, seconded by Chairman McParland, unanimously so voted.

PB2019-31 KNT Realty Trust, 2 Lot Subdivision with Panhandle Saltwater Lane

Chairman McParland re-opened the hearing at 6:33 PM. Timothy M. and Kerry A. Blanchard, TRS, as owners, seek approval of a 2-lot Definitive Subdivision with waivers and a panhandle lot pursuant to the Code of the Town of Harwich §325.18(Q) and MGL c.41, §81K-GG. The proposal would eliminate Saltwater Lane as shown on Land Court Plan 11783-D. The property is

located at 2, 6, 10, 14 & 0 Saltwater Lane, Map 4, Parcels A1-A5 - A1-A9, respectively, in the R-L Zoning District. *Continued from 8/27/19.*

Ms. Maslowski made the motion to continue the hearing to October 8, 2019 no earlier than 6:30 PM, seconded by Chairman McParland, unanimously so voted.

PB2019-34 Martin D. Rich, 7 Lot Definitive Subdivision w/ Panhandle, 0 Deacon's Folly Rd

Chairman McParland re-opened the hearing at 6:34 PM. 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. *Continued from 9/10/19.*

Ms. Maslowski made the motion to continue the hearing to October 8, 2019 no earlier than 6:30 PM, seconded by Chairman McParland, unanimously so voted.

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

Chairman McParland re-opened the hearing at 6:35 PM. Owner 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 9/10/19.*

Ms. Maslowski made the motion to continue the hearing to October 8, 2019 no earlier than 6:30 PM, seconded by Chairman McParland, unanimously so voted.

PB2019-35 Route 137 Development, LLC, 10 Lot Subdivision with Panhandle Rte 137

Representative: David A. Clark, PE

Chairman McParland explained that the applicant seek 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. *Continued from 9/10/19.*

David Clark explained the application, which is a 10-lot preliminary subdivision. Lots meet the area and frontage requirement with Lot 10 being a panhandle lot. A subdivision road is proposed, which meet the necessary requirement.

Mrs. Greenhalgh reviewed her staff report. Conservation, Highway and Police: No Concerns. Health: At a meeting of the Board of Health on September 10, 2019 the Board of Health unanimously voted to approve the preliminary subdivision plan request with the following conditions: 1. The lots shall be served by town water. 2. If the dwellings are to be occupied prior to the connection to the municipal sewer system, the septic system sewer lines shall exit the

foundations on the street side of the buildings. 3. If the dwellings are to be occupied prior to the connection to the municipal sewer system, fully compliant septic systems are required to serve the dwellings. 4. Should the lots not be developed under a 40B Comprehensive Permit, an Environmental Impact Review under Regulation 1.211, and full compliance with state and local regulations is required prior to development. Engineering: The graphic drawing scale depicted on the plan appears to be incorrect. The proposed stormwater management system shall be designed in accordance with the Massachusetts Department of Environmental Protection Stormwater Handbook. The proposed project is located entirely within a Zone II Wellhead protection area which is defined as a critical area. Based on the preliminary plan submitted it appears that there are unused portions of land that are not buildable lots adjacent to the proposed roadway. It is recommended that the proponent evaluate these areas for potential options for vegetative stormwater treatment (i.e. Rain gardens, bioretention areas, water quality swales, etc.), as these stormwater best management practices provide for enhanced water quality nutrient treatment. Contour labels are not visible on the plan. The approximate limit of clearing doesn't appear to be depicted on the plan.

Planning Staff Comments: 1) A municipal lien certificate was not submitted; however, as this is "newly" acquired property, previously owners unknown, there would not be a certificate available. 2) Each lot appears to meet the necessary requirements for zoning, including lot area, shape factor and frontage. Lot 10 would be a panhandle pursuant to §325-18(Q). 3) As the Board only has until September 28, 2019 to take action on this application, it is recommended that the Board make a decision this evening. This is a preliminary subdivision application and therefore there are three options available: a. Approve. b. Approve with conditions and/or modifications. c. Deny.

A lengthy discussion ensued with the Board Members regarding the scale on the plan.

Multiple members from the public, including Clara McLardy, Peggy Gabour, Sandy McLardy, Jean Williams, Wayne Robillard, Scott Smith, and Judith Rose, spoke with concern or opposition to 40B's.

Mrs. Greenhalgh explained that there has been a great deal of misinformation about the plan. She made it clear it was not a 40B comprehensive permit request, which involves affordable housing, but rather a 10-lot subdivision of the land.

On a motion made by Ms. Maslowski and seconded by Mr. Chadwick, the Board voted unanimously to approve with conditions and/or modifications, the preliminary plan entitled "Preliminary Division Plan, prepared for Route 137 Development, LLC", dated 06-28-2019, scale 1" = 60', by Clark Engineering, LLC and Outermost Land Survey, Inc. Sheet 1 of 1, prepared for case PB2019-35 Route 137 Development, LLC, subject to the issues raised by all Town Departments including Conservation, Highway, Police, Health, Engineering and Planning.

REVIEW OF COMMUNITY PRESERVATION APPLICATIONS

A discussion ensued regarding the Housing Trust and Housing Coordinator request. Ms. Maslowski made the motion that the Planning Board write a letter of support to the CPC in

support of the Housing Trust and Housing Coordinator, seconded by Mr. Chadwick, unanimously so voted.

A discussion ensued regarding Deacon's Folly Land Acquisition for Affordable Housing and Open Space/Conservation. Ms. Maslowski made the motion that the Planning Board write a letter of support for Deacon's Folly Land Acquisition for Affordable Housing and Open Space/Conservation seconded by Mr. Chadwick, unanimously so voted.

MEETING MINUTES-September 10, 2019: A lengthy discussion ensued. The Board decided to table the meeting minutes to allow for changes.

Mrs. Greenhalgh announced that the Cape Cod Commission would be holding a meeting regarding the nomination of the West Harwich DCPC on Thursday, October 3, 2019, and the annual meeting before the Board of Selectmen is Monday October 7, 2019.

ADJOURNMENT: The motion to adjourn was made by Ms. Maslowski at 7:24 PM, seconded by Chairman McParland. Unanimously so voted.

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary.

Adopted: November 7, 2019