

**HARWICH PLANNING BOARD  
HARWICH TOWN HALL - 732 MAIN STREET- GRIFFIN ROOM  
TUESDAY, OCTOBER 8, 2019 – 6:30 PM  
MEETING MINUTES**

**BOARD MEMBERS PRESENT:** Chairman Joseph McParland; Mary Maslowski; David Harris; Duncan Berry; William Stolz; Craig Chadwick.

**BOARD MEMBERS ABSENT:** Vice-Chairman Alan Peterson.

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Kieran Healy; John Pina; Michael O’Gorman; Philip Scholomiti; Christian Davenport; Marcia Kozak; John McElwee; Tim Brady; Susan Ladue; Bill Marsh; and others.

**CALL TO ORDER** - 6:32 PM by Mr. McParland with 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 M. Remondino and Lisa Stoker, Site Plan Review and Special Permits, 521 Route 28**

Chairman McParland re-opened the hearing at 6:32 PM. The 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 September 10, 2019*)

Ms. Greenhalgh read from an emailed received on October 1<sup>st</sup> requesting that the application be withdrawn without prejudice and that a new filing fee be waived for a future application.

Ms. Maslowski made the motion to withdraw PB2019-22 without prejudice and waive the filing fee with intention to re-file within 365 days, seconded by Mr. Harris, unanimously so voted.

**PB2019-32 John E. Pina, Thomas J. & Jodie C. Blute, 3 Lot Modification, 1 & 2 J’s Path**  
***Representative:*** Kieran J. Healy, PLS and John Pina

Chairman McParland re-opened the hearing at 6:35 PM. The 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 9/24/19*)

Mr. Healy explained the request, and reviewed the proposal for the three lot modification of a definitive subdivision with waivers including one panhandle lot and the waiver of future road construction.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record. Engineering: The project is located within a Zone II wellhead protection area and is proximal to a certified vernal pool. The subdivision appears to create a lot that has the potential to discharge to a critical area, therefore development on the new created lot will be required to comply with the Massachusetts Department of Environmental Protection (MA DEP) Storm water Handbook. It is recommended that all storm water generated from the development of the new lot be treated and recharged on the subject property with Storm water Best Management Practices as prescribed in the MA DEP Storm water Handbook. Conservation, Building, Fire, Highway and Police: No concerns. Health: The applicant, following review by the Board of Health on August 10, 2019, add the following notes: A) Limiting lots to one bedroom per 10,000 s.f.; and B) Locus to tie into municipal water once it becomes available.

Planning Staff Comments: 1. No concerns with this modification or any of the waivers requested. 2. The municipal lien certificates have been received. 3. On the Modification Plan Note #3 states that "Covenant to be filed with plan". This would need to be removed provided the Board votes to grant the waiver as requested in Item 2 of the Waiver list noted above; however, the applicant needs to assure the Board that all bounds will be set. 4. Within notes on the plan, Note #1 references Lots 1, 2 and 3, this should be changed prior to endorsement to reflex Lots 1A, 2A and 3A. 5. An additional condition is recommended based on the Town Engineer's comments: A. Storm water generated by the new dwelling, grading or driveway shall be captured within the new lot by either drywells or raingardens.

Michael O'Gorman, of 10 Tuckers Way, had questions regarding the water quality, which were answered.

There was a brief discussion and after hearing no further comments from the Board or the public, Mr. Harris made the motion to close the public hearing at 6:47 PM, seconded by Mr. Chadwick, unanimously so voted.

As part of the Board's review and deliberation, the following information was reviewed:

1. Cover letter dated July 22, 2019 from BSC Group, including requested waivers.
2. Photo of the existing road, showing two vehicles side by side.
3. Modification Plan – Definitive Subdivision Plan of Land, J's Path in Harwich Massachusetts, dated July 22, 2019, revision date 8-14-19, prepared by BSC Group, Scale 1" = 40', Sheet 1 of 1.
4. Topographic Plan - Definitive Subdivision Plan of Land, J's Path in Harwich Massachusetts, dated July 22, 2019, revision date 8-14-19, prepared by BSC Group, Scale 1" = 40', Sheet 2 of 2.

### **Findings of Fact for Panhandle Lots**

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to adopt and approve the following findings of fact related to the request for Panhandle Lots:

1. Lot frontage and lot width within the panhandle portion is 35 feet wide.
2. The length of the panhandle portion is significantly less than 300 feet.

3. Suitable access is provided within the panhandle and the access is wide enough and otherwise satisfactory for a driveway.
4. The panhandle lot meets the shape number requirements.

### **Findings of Facts for the Definitive Subdivision**

The Board members reviewed the criteria for granting a Definitive Subdivision and following a motion by Ms. Maslowski and seconded by Mr. Harris, the Board voted unanimously (6-0-0) to adopt the following findings of fact:

1. Said subdivision for residential uses is permitted in the R-R zoning district and W-R overlay district.
2. Said subdivision does not adversely affect the neighborhood.
3. All lots demonstrate compliance with minimum dimensional requirements for frontage, area and shape.
4. Board of Health requirements shall be met, including:
  - a. The lots shall have a total septic flow of less than 2000 gallons per day.
  - b. Should town water become available, the dwelling shall abandon the private wells and connect to the public water supply.
  - c. Fully compliant septic systems are required to serve the dwellings.

### **Waivers from Subdivision Rules and Regulations**

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve the following waivers from the Subdivision Rules and Regulations pursuant to §400, Article II:

1. §400-10 (Subdivision Filing) B(1).
2. §400-11 (Subdivision Review Procedure) D(1 & 2) and F(1-5).
3. §400-12 (Design Standards for Roadways) A(1, 2, 4 & 5); B(1 & 2) and C(2).
4. §400-13 (Design Standards for Utilities) A(1-6) and B(1-3).
5. §400-14 (Required Improvements and Specifications for Construction) A(1-3); B (1 & 2); E(1 & 2); and J-O.

### **Definitive Subdivision Decision**

On a motion from Ms. Maslowski, seconded Mr. Harris, the Board voted unanimously (6-0-0) to approve with conditions case PB2019-32 for John E. Pina and Thomas J. & Jodie C. Blute, for a three (3) lot Modification of a Definitive Subdivision with waivers including one panhandle lot pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for property located at 1 & 2 J's Path, Map 72, Parcels C1-1 and C1-2, respectively, in the R-R zoning district as shown on a plan entitled "Modification Plan – Definitive Subdivision Plan of Land", J's Path in Harwich Massachusetts, dated July 22, 2019, revision date 8-14-19, prepared by BSC Group, Scale 1" = 40', Sheet 1 of 1. The following conditions are imposed:

- A. Stormwater generated by the new dwelling, grading or driveway shall be captured within the new lot (Lot 2A) by either drywells or raingardens, and shall be so noted on the plan.
- B. Board of Health restrictions/conditions are imposed and shall also be noted on the plans as follows:
  1. The lots shall have a total septic flow of less than 2000 gallons per day.
  2. Should town water become available, the dwelling shall abandon the private wells and connect to the public water supply.
  3. Fully compliant septic systems are required to serve the dwellings.

**PB2019-29 Davenport Companies, 4 Lot Subdivision, 79 Headwaters Drive**

***Representative:*** Philip O. Scholomiti, PLS and Christian Davenport

Chairman McParland re-opened the hearing at 6:52 PM. The applicant 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 9/24/19)*

Mr. Scholomiti explained the request, and the proposal for a four lot definitive subdivision including one panhandle lot. The lots meet the necessary zoning requirements and all subdivision requirements have been met. No waivers are requested. All concerns and items raised by the Town Engineer have been addressed and revised plans were provided along with supplemental drainage information.

Mrs. Greenhalgh provided departmental input and the Town Planners report. Conservation: Wetlands in the area, but not shown on the plan. Some lots may be subject to conservation jurisdiction and would need approval before development. Building and Highway: No concerns. Police: No concerns - Intrepid Way or Celebration Way are acceptable. Fire: No concerns - Celebration Way is acceptable. Health: 1. The lots shall be served by Town Water. 2. Fully compliance septic systems are required to serve the dwellings. 3. An approved Environmental Impact Report is required to show compliance with Regulation 1.211 prior to development. Engineering: Had numerous comments, all of which have been satisfied by the applicant. Planning Staff Comments: 1. On August 6, 2019 I reviewed the application in full. At that time there were no concerns or comments. 2. The Board of Health conditions will need to be added to the plan prior to plan endorsement. 3. The recommended road name is "Celebration Way".

Marcia Kozak, 81 Headwaters Drive, questioned the amount of bedrooms being proposed, which was clarified by Mrs. Greenhalgh.

After hearing no further comments or questions, Mr. Harris made the motion to close the public hearing at 7:03 PM, seconded by Ms. Maslowski, unanimously so voted.

As part of the Board's review and deliberation, the following information was reviewed:

1. Subdivision Application
2. Proposed Road Names letter dated July 11, 2019, prepared by Ryder & Wilcox, Inc.
3. Drainage Calculations dated July 11, 2019, prepared by Ryder & Wilcox, Inc., with revisions provided at the October 8, 2019 meeting.
4. Municipal Lien Certificate
5. "Definitive Subdivision Plan of Land", dated July 11, 2019, prepared by Philip O. Scholomiti, P.L.S., prepared for Davenport Companies, scale 1" = 50'.
6. "Plan and Profile" Private Way, Sheet 1 of 2, dated July 11, 2019, revised 10-7-19, prepared by Philip O. Scholomiti, P.L.S., Stephanie J. Sequin, P.E., prepared for Davenport Companies, scale as noted.
7. "Cross Sections & Details" Private Way, Sheet 2 of 2, dated July 11, 2019, revised 10-7-19, prepared by Philip O. Scholomiti, P.L.S., Stephanie J. Sequin, P.E., prepared for Davenport Companies, scale as noted.
8. "Topographic Plan showing Area Available for Septic", dated July 11, 2019, prepared by Ryder & Wilcox, Inc., prepared for Davenport Companies, scale 1" = 50'.

### **Findings of Fact for Panhandle Lots**

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to adopt and approve the following findings of fact related to the request for Panhandle Lots:

1. Lot frontage and lot width within the panhandle portion is 35 feet wide.
2. The length of the panhandle portion is significantly less than 300 feet.
3. Suitable access is provided within the panhandle and the access is wide enough and otherwise satisfactory for a driveway.
4. The panhandle lot meets the shape number requirements.

### **Findings of Fact for the Definitive Subdivision**

The Board members reviewed the criteria for granting a Definitive Subdivision and following a motion by Ms. Maslowski and seconded by Mr. Harris, the Board voted unanimously (6-0-0) to adopt the following findings of fact:

1. Said subdivision for residential uses is permitted in the R-R zoning district.
2. Said subdivision does not adversely affect the neighborhood.
3. All lots demonstrate compliance with minimum dimensional requirements for frontage, area and shape.
4. Board of Health requirements shall be met, including:
  - a. The lots shall be served by Town Water.
  - b. Fully compliance septic systems are required to serve the dwellings.
  - c. An approved Environmental Impact Report is required to show compliance with Regulation 1.211 prior to development.

### **Definitive Subdivision Decision**

On a motion from Ms. Maslowski, seconded Mr. Harris, the Board voted unanimously (6-0-0) to approve with conditions PB2019-29 Davenport Companies Davenport Companies, for 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 for property located at 79 Headwaters Drive, Map 81, Parcel C1 in the R-R zoning district, as shown on a plan entitled "Definitive Subdivision Plan of Land", dated July 11, 2019, prepared by Philip O. Scholomiti, P.L.S., prepared for Davenport Companies, scale 1" = 50'. The decision is based on the aforementioned findings of fact and the fact that the plan meets the necessary requirements for approval and endorsement with the following conditions:

1. Board of Health conditions shall be noted on the plan prior to plan endorsement, and shall include:
  - a. The lots shall be served by Town Water.
  - b. Fully compliance septic systems are required to serve the dwellings.
  - c. An approved Environmental Impact Report is required to show compliance with Regulation 1.211 prior to development.
2. The road name shall be Celebration Way and shall be so noted on the plan.
3. A standard Planning Board Covenant Agreement shall be executed.

### **PB2019-31 KNT Realty Trust, 2 Lot Subdivision 2, 6, 10, 14 & 0 Saltwater Lane**

***Representative:*** John D. McElwee, PLS

Chairman McParland re-opened the hearing at 7:09 PM. The applicants 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 9/24/19*)

Mrs. Greenhalgh informed the Board that Mr. Stoltz was not eligible to vote on this matter.

Mr. McElwee reviewed the request again and noted that this would eliminate Saltwater Lane and would result in a 2 lot definitive subdivision with waivers and a panhandle lot.

Mrs. Greenhalgh provided departmental input and the Town Planners report. Engineering: The plans note that a variance will be required for the panhandle lot width being less than the 35' wide minimum, he concurs with and wants to reiterate the need for the zoning relief. He is fine with the waivers with the stipulation that drainage shall be maintained on the subject properties to the maximum extent practicable. ConsCom filings will also likely be required. Conservation, Building, Fire, Highway and Police: No concerns. Health: At a meeting of the Board of Health on September 10, 2019, a discussion took place regarding a request to consider a 2 lot definitive subdivision plan prepared by Coastal Engineering Company dated March 21, 2019. The Board of Health unanimously voted to approve the definitive subdivision plan request with the following conditions: 1. The lots shall be served by Town Water. 2. Fully compliant septic systems are required to serve the dwellings. 3. In preparation for the municipal sewer, all building sewers shall exit the front of the dwelling foundations. Planning Staff Comments: 1. No concerns with this modification or any of the waivers requested. 2. The need for the variance for the panhandle is appropriate. 3. Prior to endorsement the reference on the plan to the property being in the WR overlay district will need to be removed, as it is not in this district. 4. Conditions are recommended and are included in the suggested motion approval with conditions for the definitive subdivision.

There was a brief discussion and after hearing no further comments, Mr. Harris made the motion to close the public hearing at 7:13 PM, seconded by Ms. Maslowski, unanimously so voted.

As part of the Board's review and deliberation, the following information was reviewed:

1. Planning Board Application for Subdivision dated July 23, 2019.
2. Cover letter from Coastal Engineering Co., date July 23, 2019.
3. Waiver request letter from Coastal Engineering Co., dated July 23, 2019.
4. The following Plans prepared by Coastal Engineering Co.:
  - a. KNT Realty Trust, Redivision of Lots 5-9 and Saltwater Lane L.C.P. 11783-D, Showing Lots 10 and 11, dated 3/21/2019, revised 5/08/19, scale 1" = 30', Sheet C1.1.1.
  - b. KNT Realty Trust, Topographical Site Plan, Showing Lots 10 and 11, dated 3/21/2019, revised 5/08/19, scale 1" = 30', Sheet C1.2.1.
  - c. Residential Drive, KNT Realty Trust, Riverside Drive, Harwich, MA, scale 1" = 100', dated 07-15-19, Sheet SK-2.
  - d. Shape Lot 10, KNT Realty Trust, Riverside Drive, Harwich, MA, scale 1" = 50', dated 07-15-19, Sheet SK-3.
  - e. Shape Lot 11, KNT Realty Trust, Riverside Drive, Harwich, MA, scale 1" = 50', dated 07-15-19, Sheet SK-4.
5. Municipal Lien Certificates for all lots (5-9).

### **Findings of Fact for Panhandle Lots**

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (5-0-0) to adopt and approve the following findings of fact related to the request for Panhandle Lots:

1. Lot frontage for the panhandle is 35 feet at the street.
2. A variance will be required to allow for the panhandle width to be reduced to 24 feet.
3. The length of the panhandle portion is significantly less than 300 feet.
4. Suitable access is provided within the panhandle and the access is wide enough and otherwise satisfactory for a driveway.
5. The panhandle lot meets the shape number requirement.

### **Findings of Facts for the Definitive Subdivision**

The Board members reviewed the criteria for granting a Definitive Subdivision and following a motion by Ms. Maslowski and seconded by Mr. Harris, the Board voted unanimously (5-0-0) to adopt the following findings of fact:

1. Said subdivision for residential uses is permitted in the R-L zoning district.
2. Said subdivision does not adversely affect the neighborhood.
3. All lots demonstrate compliance with minimum dimensional requirements for frontage, area and shape.
4. Board of Health requirements shall be met, including:
  - a. The lots shall be served by Town Water.
  - b. Fully compliant septic systems are required to serve the dwellings.
  - c. In preparation for the municipal sewer, all building sewers shall exit the front of the dwelling foundations.

### **Waivers from Subdivision Rules and Regulations**

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (5-0-0) to approve the following waivers from the Subdivision Rules and Regulations pursuant to §400, Article II:

1. Section 400-10-B Plan Profile and Cross-Section Requirements
2. Section 400-11-D Performance Guarantee Bond or Covenant

### **Definitive Subdivision Decision**

On a motion from Ms. Maslowski, seconded Mr. Harris, the Board voted unanimously (5-0-0) to approve with conditions case PB2019-31 KNT Realty Trust, as applicant and Timothy M. and Kerry A. Blanchard, TRS, as owners, for 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, which would eliminate Saltwater Lane as shown on Land Court Plan 11783-D, for property located at 2, 6, 10, 14 & 0 Saltwater Lane, Map 4, Parcels A1-A5 through A1-A9, respectively, in the R-L Zoning District and as shown on a plan entitled “KNT Realty Trust, Redivision of Lots 5-9 and Saltwater Lane L.C.P. 11783-D, Showing Lots 10 and 11”, Prepared by Coastal Engineering Co., dated 3/21/2019, revised 5/08/19, scale 1” = 30’, Sheet C1.1.1. Approval is based on the aforementioned findings of fact and the fact that the plan meets the necessary requirements for approval and endorsement, with the following conditions:

1. The following Board of Health restriction/conditions are imposed:

- a. The lots shall be served by Town Water.
  - b. Fully compliant septic systems are required to serve the dwellings.
  - c. In preparation for the municipal sewer, all building sewers shall exit the front of the dwelling foundations.
2. A Planning Board Agreement and Covenant is not required.
  3. A variance from the Harwich Zoning Board of Appeals shall be required for Lot 11 – the panhandle lot – to allow for the width to be reduced to 24 feet.

**PB2019-23 Edson Eldredge, Bleu Land LLC.** – Definitive Plan Endorsement following 20-day appeal period. Ms. Maslowski made the motion to endorse PB 2019-23 following the expiration of the 20 day appeal period, seconded by Mr. Harris, unanimously so voted. The Board endorsed the plan.

**PB2019-34 Martin D. Rich, 7 Lot Definitive Subdivision with a Panhandle Lot, 0 Deacon’s Folly Road**

***Representative:*** Timothy Brady, PLS & PE

Chairman McParland re-opened the hearing at 7:22 PM. The applicants 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 9/24/19*)

Mr. Brady explained the request and reviewed the proposal for a seven lot definitive subdivision with a panhandle lot. All lots comply with the requirement and he reviewed the requested waivers. He noted that the covenant would be for the purposes of the installation of the bounds only.

Mrs. Greenhalgh provided departmental input and the Town Planners report. Engineering: Granite or concrete bounds shall be placed at all lot corners. The drainage design for the proposed development of the individual lots shall be designed to maintain drainage on each property to the maximum extent practicable. There is a 25’ wide area delineated on Lot 4 adjacent to Deacon’s Folly Road. What is this area intended to be? Conservation: Lots 2 - 7 are subject to Conservation Review and will have to comply with the 60’ no build zone from the edge of wetland. In some cases this greatly reduces the buildable area of the lot. Conservation has no issue with a subdivision, but future development may be limited and potential plans should be discussed with the Conservation department. Fire, Police, Building and Highway: No concerns. Health: At a meeting of the Board of Health on September 10, 2019, a discussion took place regarding a request to consider a 7 lot definitive subdivision, plan prepared by East Cape Engineering, plans dated July 24, 2019 & August 28, 2019. The Board of Health unanimously voted to approve the definitive subdivision plan request with the following conditions: 1. An Environmental Impact Review be submitted and approved by the Board of Health as required by Regulation 1.211. 2. The lots shall be served by town water. 3. No development of the lots will be approved until the Environmental Impact Review has been approved by the Board of Health. 4. No variances from Title 5 will be allowed. 5. In preparation for the municipal sewer, all building sewers shall exit the front of the dwelling foundations.



Planning Staff Comments: 1. On August 13, 2019 I reviewed the application in full. At that time the following comments were shared with Timothy Brady based on the checklist: a. Item 27 – You have requested a waiver from the requirement of a Covenant; however there is a plan note stating that a covenant will be filed. Should the Board approve this waiver, the note will need to be removed. b. Item 28 – As we discussed, any Board of Health restriction will need to be noted on the plan prior to endorsement by the Planning Board. c. Item 38 – Marked areas subject to Wetlands Protection Act and Conservation – please refer to the attached note from Conservation Staff. d. Item 45 – I did not find a bench mark note. 2. Recommend that the Town Engineers comment regarding drainage design on the individual lots be a condition.

The Board had several questions, all which were answered, including the need for the covenant for the purposes of the installation of bounds only. The 25 foot line that the Town Engineer noted was showing that the frontage is met at the setback line.

Hearing no further questions or comments, Ms. Maslowski made the motion to close the public hearing at 7:30 PM, seconded by Mr. Berry.

As part of the Board’s review and deliberation, the following information was reviewed:

1. Subdivision Application B-1
2. Narrative letter with waivers requested from Section 400, dated August 6, 2019, prepared by Timothy J. Brady, P.L.S., East Cape Engineering, Inc.
3. Municipal Lien Certificate
4. “Plan of Land” Deacon’s Folly Road being a Division of Lot 1 Shown in Plan Book 317 Page 18, dated, July 24, 2019, prepared by Timothy J. Brady, P.L.S., for Martin D. Rich, scale 1” =40’.

### **Findings of Fact for Panhandle Lots**

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to adopt and approve the following findings of fact related to the request for Panhandle Lots:

1. Lot frontage and lot width within the panhandle portion is 35 feet wide.
2. The length of the panhandle portion is significantly less than 300 feet.
3. Suitable access is provided within the panhandle and the access is wide enough and otherwise satisfactory for a driveway.
4. The panhandle lot meets the shape number requirements.

### **Findings of Facts for the Definitive Subdivision**

The Board members reviewed the criteria for granting a Definitive Subdivision and following a motion by Ms. Maslowski and seconded by Mr. Harris, the Board voted unanimously (6-0-0) to adopt the following findings of fact:

1. Said subdivision for residential uses is permitted in the R-L zoning district.
2. Said subdivision does not adversely affect the neighborhood.
3. All lots demonstrate compliance with minimum dimensional requirements for frontage, area and shape.
4. Board of Health requirements shall be met, including:
  - a. An Environmental Impact Review be submitted and approved by the Board of Health as required by Regulation 1.211.
  - b. The lots shall be served by town water.

- c. No development of the lots will be approved until the Environmental Impact Review has been approved by the Board of Health.
- d. No variances from Title 5 will be allowed.
- e. In preparation for the municipal sewer, all building sewers shall exit the front of the dwelling foundations.

### **Waivers from Subdivision Rules and Regulations**

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve the following waivers from the Subdivision Rules and Regulations pursuant to §400, Article II:

1. §400-10-B Plan Profile and Cross Section Requirements
2. §400-Appendix 4B Subdivision Filing and Plan Requirements – Line item 37 - Waiver to provide topographic site plan at two foot interval.

### **Definitive Subdivision Decision**

On a motion from Ms. Maslowski, seconded Mr. Harris, the Board voted unanimously (6-0-0) to approve with conditions PB2019-34 Martin D. Rich, for a seven (7) 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 for property located at 0 Deacon’s Folly Road, Map 46, Parcel F5, within the R-L zoning district, as shown on a plan entitled “Plan of Land” Deacon’s Folly Road being a Division of Lot 1 Shown in Plan Book 317 Page 18, dated, July 24, 2019, prepared by Timothy J. Brady, P.L.S., for Martin D. Rich, scale 1” =40’. The decision is based on the aforementioned findings of fact and the fact that the plan meets the necessary requirements for approval and endorsement with the following condition:

1. Board of Health restrictions/conditions shall be noted on the plan prior to plan endorsement.
2. The drainage design for the proposed development of the individual lots shall be designed to maintain drainage on each property to the maximum extent practicable.

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

***Representative:*** Susan Ladue and William Marsh

Chairman McParland re-opened the hearing at 7:35 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.

*(Continued from 9/24/19)*

Ms. Ladue explained the request, and reviewed the proposal for approval of a site plan review special permit with waivers for a new 5,845 SF metal structure for industrial use. She reviewed the waivers requested, the openings onto Deerfield Road and the grass-crete island.

Several Board members made statements and asked questions about the grass-crete.

Mrs. Greenhalgh provided departmental input and the Town Planners report. 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: An updated review and comments is anticipated for the October 8th meeting.

Planning Staff Comments: A. The applications responses in the September 17th narrative I offer the following comments: Response #2: This refers to Unit B, (and I believe Unit C - typo perhaps), however no plans, building or otherwise identify unit designations. I am not sure if this adequately responds to the concerns of allowing parking in front of bay doors and how will this not impede access to the bays. Response #3: Refers to Unit A, however no plans, building or otherwise identify unit designations. Response #7: this states that the owner shall be responsible for the maintenance of the grass-crete island. The Town Engineer will respond to additional applicant comments as necessary. B. A grass-crete island is located primarily within the road right-of-way and therefore is not part of the greenspace. C. The grass-crete, provided it is maintained properly, could be adequate an island; however, in most instances they are not maintained adequately. D. 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. E. The waiver for the loading area requirement, based on the narrative provided, appears to be reasonable. F. There is a waiver request for the dumpster requirement; however there is no reasoning provided. A note has been added to the plan to indicate that 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. G. The parking calculations are based solely on “warehousing” with no employees; however the August 14th narrative speaks to the tenant/owner having a desk in the office space. This would constitute an “employee”, which would require an additional parking space. Seven (7) spaces provided, which in theory is adequate. H. 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. I. 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.

Mrs. Greenhalgh read a letter of support from Thomas Evans.

A lengthy discussion ensued reiterating concerns with the curb cuts, the grass-crete island, parking in front of bay doors, etc.

Ms. Maslowski made the motion to continue the hearing to October 22, 2019 no earlier than 6:30 PM, seconded by Mr. Harris, unanimously so voted.

Ms. Maslowski made the motion to re-open the public hearing at 8:06 PM, seconded by Mr. Stoltz, unanimously so voted.

A discussion ensued regarding engineering comments. Ms. Ladue and Ms. Greenhalgh agreed to have a meeting with the Town Engineer to review the concerns raised by the staff.

Ms. Maslowski re-made the motion to continue the hearing to October 22, 2019 no earlier than 6:30 PM, seconded by Mr. Harris, unanimously so voted.

**ADVISORY OPINIONS** - Historic District Historical Commission October 16, 2019, no comments.

**BRIEFINGS AND REPORTS BY BOARD MEMBERS**

Ms. Maslowski updated the Board on CPC applications, and stated that the next meeting is Thursday at 6 PM.

Chairman McParland updated the Board on the Capital Outlay Committee.

Mrs. Greenhalgh stated that the Cape Cod Commission hearing is October 22 to discuss DCPC.

Mr. Chadwick asked to discuss protocols, process, and procedures.

**ADJOURNMENT**

The motion to adjourn was made by Ms. Maslowski at 8:19 PM, seconded by Mr. Chadwick, unanimously so voted.

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary.

Adopted: November 7, 2019