

**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: December 17, 2019