

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

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

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

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

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

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

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

Representative: William Crowell and Brian Langelier

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

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

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

Representative: William Crowell and Brian Langelier

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

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

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

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

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

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

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

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

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

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

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve with conditions case number PB2019-39 for Brian Langelier, Trs. et al, as owners, pursuant to the Code of the Town of Harwich §325-55 to amend/modify a Site Plan Review Special Permit (PB2019-12) with waivers to change the use from a retail show room of large items to professional/office space and change the parking for property located at 815 Route 28, Map 24, Parcel W6-2 in the C-H-1 zoning district. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions:

1. All signage shall comply with the Sign Code and Building Department Requirements.
2. All conditions and waivers imposed pursuant to PB2019-12 shall be met.
3. In the event that this property changes ownership, an easement will be required to allow for the shared parking between 809 and 815 Route 28.
4. This decision shall be recorded at the Barnstable Registry of Deeds.
5. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative: William Marsh

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

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

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

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

Three lots are still under Planning Board Covenant.

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

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

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

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

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

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

Discussion on Use of Drop Box for Planning Board Electronic Packets

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

Update on Status of DCPC Application for West Harwich

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

ADVISORY OPINIONS:

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

Board of Appeals 12/04/2019-none

BRIEFINGS & REPORTS BY BOARD MEMBERS:

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

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

Respectfully submitted,

Kathleen A. Tenaglia, Board Secretary.

Adopted: December 17, 2019