**ZONING BOARD of APPEALS PUBLIC HEARING**

**Wednesday, December 27, 2017 at 7:00 p.m.**

**Griffin Meeting Room, Harwich Town Hall**

**MINUTES**

On Wednesday, December 27, 2017 at 7:00 PM, the Harwich Zoning Board of Appeals held a Public Hearing in the Griffin Meeting Room at the Harwich Town Hall, 732 Main Street to hear the following case.

Members present: David Ryer, Dean Hederstedt, Kathleen Muller, Al Donoghue, Meghan Mahieu and Mike Cupoli.

The meeting was called to order at 7:03 PM.

**Case #2017-38**

Paul Cuddy, Trustee of Harwich Commons, LLC has applied for a Temporary Change of Use to allow for the continuation of storage of construction materials being used as part of the National Grid Pipeline Project. The application is pursuant to the Code of the Town of Harwich, §325 Table 1, Use Regulations as set forth in MGL Chapter 40A §6. The property is located at 0 Halls Path, Map 86, Parcel B7 in the RR Zoning District.

Members voting on this case:

Mr. Hederstedt, Ms. Muller, Mr. Donoghue, Ms. Mahieu and Mr. Cupoli

Kathy Baker presented for the applicant and restated the details of the application reading the narrative from Paul Cuddy. She emphasized that the request is for a temporary Special Permit in order to allow for storage of equipment for the continuation of the gas pipeline project which represents an essential need for the Town. Mr. Cuddy had met in advance with the heads of various Town Departments prior to signing the leases with R.H. White Construction and AGI Construction. He said he had only learned of the need for a Special Permit after receipt of a complaint from a neighbor. The area is in the RR Zoning District and the use could be permitted as a result of the need for the essential service of laying the gas lines. Ms. Baker explained that there would be no detriment to the public because the area is so remote, no hazard to traffic or pedestrians and the area is adequate for the storage of large equipment.

Mr. Hederstedt asked if there would be an end date for the project and Ms. Baker responded that the date is October 1, 2019.

Mr. Hederstedt asked if the area is in the 6 Ponds District and if there is any sand being removed from the area. Ms. Baker answered that she wasn’t sure regarding the district but that no sand will be removed.

Steve Mannix of 63 Captain Bearse Road spoke about how the area abuts 2 properties on Captain Bearse. His major concern was about the depth to which the area has been excavated in the past bringing it to within a few feet of the water table. He says that there is asphalt being stored and that there are proven carcinogens in asphalt which may be leaking into the water table. Mr. Mannix explained that the Town should be concerned about the fragility of the ecosystem and wanted to know if the soil had been tested and what remediation procedures would be required.

Mr. Ryer explained that the questions and concerns raised by Mr. Mannix were not under the jurisdiction of the Zoning Board of Appeals but perhaps the Conservation Commission and the Board of Health. Ms. Muller asked if any asphalt was in fact being stored as a part of this project and Ms. Baker said she believed that some of the materials being used included asphalt.

Mr. Ryer suggested that the Board get comments from the Conservation Department, the Board of Health and the DPW regarding the storage of asphalt issues and problems. He said the Board should continue the case until those Departments could weigh in.

Mr. Hederstedt moved that the case be continued until 7PM on January 31, 2017 and Mr. Donoghue seconded the motion. The Board voted unanimously in favor. 5-0-0

Mr. Ryer offered congratulations to Al Donoghue who is moving into one of the full member slots since the retirement of Mr. Burke.

Mr. Cupoli moved and Mr. Donoghue seconded the motion to accept the Minutes from the 11/29/17 meeting and all voted in favor.

Mr. Hederstedt moved and Mr. Cupoli seconded the motion to adjourn the meeting. All voted in favor.