**HARWICH PLANNING BOARD**

TOWN OF HARWICH

HARWICH TOWN HALL

732 Main Street

Donn B. Griffin Room

Thursday, October 26, 2017

6:30 PM

MINUTES

PRESENT: Chairman, Lawrence Brophy; Vice-Chairman, James Atkinson; Joseph McParland; David Harris; Mary Maslowski.

ABSENT: Allan Peterson.

ALSO PRESENT: Town Planner, Aly Sabatino; Board Secretary, Amy Banford

CALL TO ORDER

6:33 PM by Chairman Lawrence Brophy with a quorum present.

*Chairman Brophy 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 the open session is required to inform the Chair.*

**Public Meeting**

1. **New Business**
   1. **PB2008-03** Board Signatures for Partial Covenant Release (Belmont Estates)

Town Planner, Aly Sabatino explained that they are requesting 3 lots of Belmont Estates to be released from the covenant. The Town Engineer went out and looked at the road and recommends to release the 3 lots requested. Aly Sabatino agrees and points out that the remaining 2 lots under the covenant will be sufficient.

Jim Atkinson agrees with Ms. Sabatino, but asked the applicant when the work will be finished. The applicant and builder, Mark Giarrusso, responded that the whole development should be done by June 2018. There was some discussion of the various phases of work left to do in that time. There was also discussion of the many benefits of modular construction such as being very minimally invasive, require less heavy equipment, 20% less waste, optimization of parts, and the excellent workmanship of the Amish manufacturer from Pennsylvania.

David Harris asked the applicant how the problem with the binder course is being corrected. Mr. Giarrusso responded that Lynch agreed to help resolve the issue. He explained that a 2 inch binder course is required (for the road), but after Asphalt Solutions completed their work it was 76 tons short. The straight section was ok but the turn and cul-de-sac were too thin. Also, the crown on the binding was not what it was supposed to be. On the turn and cul-de-sac, we are not going to pull up what is there, it will be considered the base on which the additional asphalt will be laid down to bring it up to the 2” (or now more) that is required.

Larry Brophy asked about the cost of these modular homes. Mr. Giarrusso answered that he pays $32,000 in freight to get them here, but it is still much more cost effective than regular construction. It comes out to $85-90 total per square foot delivered.

Mr. Brophy asked Mr. Giarrusso to please call Ms. Sabatino and inform her when they will be delivering the homes in January/February so she can observe the installation.

**Motion made by Joseph McParland to release the covenant on lots 7, 8, and 9. Seconded by Jim Atkinson. Vote 5-0-0. Members voting: Lawrence Brophy, James Atkinson, Joseph McParland, David Harris and Mary Maslowski.**

* 1. **Informal Discussion: PB2017-14** Approved May 23, 2017 for Paul and Michelle Vasil, as owners, c/o William D. Crowell, Esq., representative, grant of a Use Special Permit for an Accessory structure with Bedrooms. (Detached 2-story structure.) The property is located at 19 School House Road, Map 14, Parcel T7A. - **Letter to request modification of the detached structure.**

Town Planner Aly Sabatino explained that the applicant is proposing to modify the special permit for an accessory structure with bedrooms granted by the Planning Board on May 23, 2017 without the need to amend the application and hold a formal public hearing.

The original approved application shows a detached two story structure with three bedrooms. The revised plan now shows a detached one story structure with three bedrooms and a larger footprint.

The applicant, Paul Vasil was in attendance. ~~Co-owner Michelle Vasil and attorney William Crowell, were not present.~~ Mr. Vasil explained that on further consideration after the Planning Board approval on May 23, they had come to the opinion that the 2 story accessory building might not look right on this particular lot. They decided to go back to the architect and ask for a 1 story house plan, which would flow better with the property. It has less square footage, but a wider footprint. All ~~legal~~ setback requirements will be met.

Ms. Sabatino asked the Board to take into consideration that when the application was approved through a formal public hearing, the plans were different than they are now. She also asked the Board to consider the fact that at the public hearing there was at least one concern brought up about the amount of potential noise from this additional accessory structure.

Jim Atkinson expressed his agreement that because the original approval required a public hearing, to be fair to public and to fit with the accepted procedure of the Planning Board, this proposal should go back to a Public Hearing. David Harris, Mary Maslowski, and Lawrence Brophy also expressed their agreement.

The applicant, Paul Vasil asked if the new proposal is denied at the next public hearing, would he still be allowed to build the original house plan that was approved. Jim Atkinson answered in the affirmative.

The applicant, Paul Vasil, agreed to come back to the Planning Board ~~Public Meeting~~ with renderings of the new house plan.

* 1. Advisory Opinions for Board of Appeals October 23, 2017.

Town Planner Aly Sabatino noted that this is past. There wasn’t anything that the Planning Board wanted to comment on anyway.

* 1. Citizen Planner Training Collaborative-Fall 2017 Workshops.

The Board members discussed the possibilities of attending various classes with a preference for classes being held in nearby locations or attendance online. Everyone should inform Aly Sabatino if they are interested in attending.

* 1. Minutes for 9/12/17 and 9/26/17- Vote to approve.

**Motion made by Joe McParland to approve the Minutes of 9-12-17 and 9-26-17 as amended. Seconded by Jim Atkinson. Vote: 5-0-0. Members voting: Lawrence Brophy, James Atkinson, Joseph McParland, David Harris and Mary Maslowski.**

1. **Old Business**
   1. Port Village District Draft By-law.

Town Planner Aly Sabatino explained that the Harwich Port Commercial Village Overlay District by-laws are a Planning Board priority to review. Aly Sabatino and James Atkinson have developed an amendment with some revisions to the restrictions. She requested that the Board go over the changes to use regulations and dimensional requirements and discuss what would be allowed, allowed by special permit, or not allowed in the overlay district ~~zone~~.

James Atkinson explained that currently, the Commercial Village Overlay District restrictions in Harwichport are voluntary instead of mandatory. The Town Administrator, Chris Clark, and the Planning Board agree that the restrictions should be made mandatory. The intent is to formalize the intent of the district, which is to have buildings closer to street and to each other like a commercial village.

Aly Sabatino outlined what the next steps will be if the Board agrees on the details of the amendment. It will then be sent to the Board of Selectman for their review, then it would go to a Public Hearing. Next it would go to a Town Meeting where it would have to be approved by a two thirds vote, then it would go to the Attorney General’s office in Boston for approval.

Joe McParland asked if the overlay district footprint would be changing or expanding at all. Ms. Sabatino responded that the new zone would be exactly the same area as is currently the Commercial Village Overlay District. She also mentioned that according to the Town Code, the zone only extends 200 feet back from Route 28, so it does split some parcels up.

Mary Maslowski asked if it might be a problem in the future that new filling stations will not be permitted. The Board members agreed that it would not be a problem.

There was discussion of whether Single Family or Single Family with Accessory Apartment would be allowed. James Atkinson expressed his opinion that a Single Family dwelling should require a Special Permit. The rest of the Board members and the Town Planner disagreed. A consensus was reached to maintain the existing use regulations i.e. Single Family dwellings without a Special Permit and Single Family dwelling with Accessory Apartment with a Special Permit.

James Atkinson raised the next question of whether or not trailer and boat storage would be permitted. Ms. Sabatino clarified that the zoning will allow for personal trailer and boat storage, but will not allow commercial trailer or boat storage such as a boat storage business.

David Harris asked about the proposed front and side setbacks. Ms. Sabatino responded that they are recommending 0-10’ front, 0’ side, and 10’ rear setbacks. The current side setback in the Commercial Village is 10’.

James Atkinson asked if the Planning Board would have the right to consider a waiver to the dimensional requirements. Ms. Sabatino confirmed that that will be included in this amendment.

Once these changes have been made to the amendment, it will be voted on at the next meeting of the Planning Board.

* 1. Discussion of Local Comprehensive Plan Process

James Atkinson asked if Aly Sabatino had gotten any response regarding her request for funding for a consultant to work on the Local Comprehensive Plan. She responded in the negative. Since the funding will take a while, Mr. Atkinson suggested that two members of this Board form a subcommittee to start working with Ms. Sabatino on the procedure and an outline for the process.

There was discussion about whether such a subcommittee should be two people or three. Mary Maslowski said that she thinks it sounds like a lot of work for only two people. David Harris made the point that it is difficult to achieve consensus with two people and therefore three people might be better. Mr. Atkinson said that scheduling would be easier with only two people. Ms. Maslowski pointed out that a quorum would still be two, whether the subcommittee is two people or three. Mr. Atkinson said that with three people, the meetings would have to be advertised and made public and at night time for public. There was consensus on the creation of the subcommittee, but not on the number of members. This will be addressed at the next meeting.

There was discussion of the Board membership. The Planning Board currently has one full slot and 2 alternate slots available. The Board will likely have a new member by the next meeting. We are now recording attendance at PB meetings.

1. **Briefings and Reports by Board Members**

**James Atkinson:** The Community Preservation committee had its second meeting in five months last night. There are 3 vacant seats on a 9 person board. It is charged with voting on funds for… There are 16 applications, totaling far excess of available funds. They will meet with each applicant on 11/9, 11/30, 12/7, and 12/14. They will review 4 applications per meeting. In January, the committee will meet to deliberate and vote to allocate the money and recommend them to the selectmen. It is not yet determined which applications will be reviewed at which meeting. There will be public notices with those details. Will be starting with Historic funding in November. There are 6 applications for Historic funding.

**Mary Maslowski:** Historic Commission has reviewed and responded to the 6 Community Preservation applications. Aly Sabatino sent the letters out.

**Joe McParland:** Capital Outlay is about halfway through the departments in town. They will hear more presentations and vote to allocate the funds. The chairman has resigned from Finance committee. Mr. McParland is also on the East Harwich Fire committee. The EHFC plans to build a new East Harwich fire station opening onto Route 39. They plan to tear down old fire station. They started with a commitment from the fire chief not to exceed 4 million dollars. It is now estimated at 6 million dollars. The entrance will not intrude on the park that exists on Route 39 now.

**Larry Brophy:** Saquatucket Harbor committee is now disbanded so he is not on it anymore. At the Board of Selectman meeting, it was brought up that there is a potential person interested in building a 100 seat restaurant there.

1. **Adjourn**

Motion made by Joe McParland to adjourn at 8:18 PM. Seconded by James Atkinson. Vote: 5-0-0.

Minutes transcribed and respectfully submitted by Amy Banford, Board Secretary

Adopted: November 14, 2017