**Planning Board**

**MEETING MINUTES**

Tuesday, October 25, 2016

Griffin Room, Harwich Town Hall

Members Present: Larry Brophy, Chair, Joseph McParland, Jim Atkinson, Tom Stello, Linda Cebula, Alan Peterson, Peter de Bakker, David Harris (Alt.) and Mary Maslowski (Alt.)

Others Present: Charleen Greenhalgh, Assistant Town Administrator/Interim Planner; Attorney James Stinson; and Attorney Michael Ford.

The Chair opened the meeting at 6:30 PM.

**PB2016-20 525 Camelot LLC, c/o James Stinson, Esq., 557-563 Route 28,Site Plan Review and Use Special Permits** (Continued from Sept. 27 and Oct. 13, 2016)

Representatives: Attorney James Stinson was Attorney Michael Ford.

Voting on this case: Ms. Maslowski, Ms. Cebula, Mr. Stello, Mr. Atkinson, Mr. Brophy, Mr. McParland and Mr. Harris.

Mr. Ford told the Board that a Development Agreement has been reached, he then reviewed the document with the Board, which included parking, easements, etc. Discussion ensued about the Development Agreement and whether it should also be recorded along with the easements. The Board determined that only the easements need to be recorded.

After review of the Application, presented materials and Staff Notes, **Mr. McParland moved and Mr. Atkinson seconded the motion to adopt the following findings**:

1. There will be no nuisance or serious hazard to vehicles or pedestrians.
2. The plan provides for efficient and safe disposal of surface water.
3. The use is consistent with the Zoning Code and will not adversely affect the neighborhood.
4. The specific site is an appropriate location for the use and structure.
5. The use is permitted in the Village Commercial Overlay District, and the plan demonstrates harmony with the purpose of the district.
6. Landscaping will be adequate.
7. Lighting and other site plan details are adequate.
8. The request waivers or modifications of the dimensional requirements will not substantially derogate from the purpose and intent of this bylaw and that such waiver or modification may be granted without substantial detriment to the neighborhood or overall public good.
9. 38.5% of the floor area is dedicated to commercial use.
10. The parking, as waived, is adequate for the proposed uses.
11. There is a minimum of 5,000 square feet of lot area per residential unit.

**The Board voted unanimously in favor. 7-0-0**

**Mr. McParland then moved and Mr. Atkinson seconded the motion to approve the Special Permit** and requested waivers and modifications pursuant to §325-51.L for the development within the **Village Commercial Overlay District** for redevelopment of the property located at 557 – 563 Route 28 based on the fact that the project is in keeping with the VCOD historic development patterns, including the size and spacing of structures and that the granting of waivers or modifications will not substantially derogate from the purpose and intent of this bylaw and that such waiver or modification may be granted without substantial detriment to the neighborhood or overall public good. **The Board voted unanimously in favor. 7-0-0**

**Mr. McParland then moved and Mr. Atkinson seconded the motion to approve the Site Plan Special Permit** and waiver requested, with conditions, for the proposed redevelopment of property at 557 – 563 Route 28 based on the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich with the above findings. The following conditions are imposed.

* + - 1. Prior to any work commencing at the project site, a revised landscape plan shall be submitted to the Planning Board and the Town Clerk for the case files.
			2. Any changes to the site plan shall be subject to further Planning Board review.
			3. The Applicant, 525 Camelot, LLC, has entered into a Development Agreement with Joseph V. Della, Trustee of Table Six Properties Realty Trust, d/b/a Cranberry Liquors, the owner of 555 Main Street and Richard J. and Bernadette C. Waystack, Trustees of Avalon Sunset Trust, the owners of 557-563 Main Street (collectively, the “Parties”) which sets out (i) the joint use and enjoyment of the respective properties, (ii) to provide for access and egress to the respective properties and for (iii) common parking; and (iv) for parking reserved to specific parcels, all as set forth in a series of six easements between the respective parties to which is attached a Parking Sketch Plan, and (v) to address matters attendant thereto, including parking, maintenance, insurance, and such other matters as may arise as a result of the joint use of the respective properties.

The Development Agreement, the easements and plans referenced therein shall be incorporated by reference in the Special Permit(s) granted by this Board. However, the performance of the obligations of each party to the Development Agreement shall not be a condition of the Special Permit(s) as the Development Agreement has independent legal significance and is enforceable by the Parties thereto.

**The Board voted unanimously in favor. 7-0-0**

**Mr. McParland then moved and Mr. Atkinson seconded the motion to approve the use Special Permit** pursuant to §325-51.M of the Harwich Zoning Code base on the above findings.

**The Board voted unanimously in favor. 7-0-0**

**Mr. McParland then moved and Mr. Atkinson seconded the motion to approve the use Special Permit for structure with a gross floor area of 7,500+ Square Feet** pursuant to §325-51 of the Harwich Zoning Code based on the above findings.

**The Board voted unanimously in favor. 7-0-0**

Ms. Greenhalgh distributed the 2017 Planning Board Schedule, the consensus of the Board was to move the April 11 meeting to April 13th in light of Passover. She also noted that there was a possibility that there would not be a meeting on November 10, 2016. She also told the Board that the new Town Planner, Alyxandra Sabatino will start on October 31, 2016.

The following Briefings and Reports were reviewed by the Board:

Mr. McParland told the Board that the Capital Outlay Committee begins voting on November 1st. Mr. de Bakker spoke briefly about the Wastewater Implementation Committee.

Mr. Atkinson reported that the Community Preservation Committee would begin reviewing applications on October 27, 2016.

Ms. Cebula reported that the 1st draft Housing Production Plan has been completed and will be reviewed on October 26, 2016 by the working group. They anticipate bringing it to the Board of Selectmen and Planning Board, hopefully in a joint meeting, in early December.

**At 7:10 PM, Mr. McParland moved and Mr. Atkinson seconded the motion to** **Adjourn, so voted unanimously.**

Respectfully submitted by Shelagh Delaney

Adopted: November 29, 2016