

HARWICH PLANNING BOARD  
HARWICH TOWN HALL  
732 Main Street  
DONN B. GRIFFIN ROOM  
TUESDAY, MARCH 27, 2018  
6:30 PM  
MINUTES

**BOARD MEMBERS PRESENT:** Chairman, Lawrence Brophy; Vice-Chairman, James Atkinson; Joseph McParland; Mary Maslowski; Allan Peterson

**BOARD MEMBERS REMOTE PARTICIPATION:** David Harris

**BOARD MEMBERS ABSENT:** Jim Joyce

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Town Administrator, Chris Clark; Roman Greer, Director of Golf, Cranberry Valley; Mike Curadossi; Sean Thibert; Larry Cole; Susan Ladue; Dave Clark; James Stinson, Esq.;

**CALL TO ORDER - 6:30 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. He also announced that because the Town Administrator has to attend another meeting at 7:00pm, the Board will move the Town of Harwich Cranberry Valley Golf Course case to the beginning of the agenda. Ms. Greenhalgh announced that the previous scheduled meeting on March 13, 2018 was canceled due to inclement weather and that all abutters and involved parties were notified that the cases had been rescheduled to March 27, 2018.

**PB2018-05 Town of Harwich Golf Course – Site Plan Review Special Permit – 183 Oak Street**

Representatives: Christopher Clark, Town Administrator, Roman Greer, Golf Director and Michael Curadossi, Landscape Architect.

Chairman Mr. Brophy opened the Public Hearing at 6:32pm by reading the Legal into the record. *The application seeks approval of a Site Plan Review Special Permit for a multiphase project known as the Golf Infrastructure Revitalization Project. Specifically, the application is for the reconfiguration of the existing parking areas relative to the recently approved Cart Barn application (granted under PB2017-29) and related landscape features. The property is located at 183 Oak Street, Map 61, Parcel H1 and is more commonly known as Cranberry Valley Golf Course in the R R and W-R Zoning District. The application is pursuant to the Code of the Town Harwich §325-55 as set forth in M.G.L c. 40A §9.*

Mr. Clark provided a history of their previous presentations before the Board regarding the proposed new building plans. They are currently here for finalization of the site for landscape improvements.

Mr. Curadossi provided an overview of the changes to the landscaping plans. Ms. Greenhalgh spoke to having no issues with the changes to the landscaping plans and recommended approval of the changes. Mr. Atkinson asked if it was necessary to request a number of waivers in stages rather than a comprehensive plan at one time. Ms. Greenhalgh spoke to his concern explaining

that it was necessary because of the size and scope of the parcel and the project. Mr. McParland asked for more clarification on the cart drop-off location and path which Mr. Curadossi and Mr. Clark provided using the submitted site plan. Mr. Harris asked how the planters located at the old Cart Barn location would be moved in the event that emergency vehicles need to enter. The planters are on wheels to make them easy to move as needed.

There was no input from the public. **Motion made by Mr. McParland to close the Public Hearing at 6:44pm.** Seconded by Mr. Atkinson. Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson, and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to unanimously to approve the following waivers** based on the fact the site is existing and additional information is not deemed necessary:

1. Zoning Compliance Table
2. Names, Deeds and Plan References of Abutters
3. Gross Area of Wetlands and Uplands for Total Parcel
4. Drainage Report (Submitted in Prior Submittal of Waiver of Site Plan)
5. Marked areas subject to Wetlands Protection Act:
6. Drainage Plan showing method for disposing of runoff from impervious surfaces.
7. Stopping sight distance for all vertical curves and intersections.
8. Utilities lines, including water, electrical, cable.
9. Lighting details.
10. Building Plans.

**Motion seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson, and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to approve the following findings of fact:**

1. The parking areas are within the R-R and W-R zoning district and located off a long driveway off Oak Street.
2. The Oak Street entrance and driveway provide for adequate access and meet the minimum standards of the zoning code.
3. The plan provides for efficient and safe disposal of surface water.
4. The use is existing and is consistent with the Zoning Code and the reconfiguration and additional parking will not adversely affect the neighborhood or overall public good.
5. Adequate and appropriate signage exists and there will be no nuisance or serious hazard to vehicles or pedestrians.
6. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.

**Motion seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson, and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to approve with conditions case number PB2018-05** for the Town of Harwich - Golf, c/o Chris Clark, Town Administrator and Roman Greer, Director of Golf for a Site Plan Review Special Permit pursuant to the Code of the Town Harwich §325-55 for a multiphase project known as the Golf Infrastructure Revitalization Project, for the

reconfiguration of the existing parking areas relative to the approved Waiver of Site Plan for the Cart Barn (granted under PB2017-29) and related landscape features. The property is located at 183 Oak Street, Map 61, Parcel H1 and is more commonly known as Cranberry Valley Golf Course in the R-R and W-R Zoning District. The decision is based on the aforementioned findings of facts and the fact the applications meets the necessary requirements and criteria for approval pursuant to the Code of the Town of Harwich. The Board imposed the following conditions relative to Site Plan Review:

1. The plan and site work shall comply with all Board of Health and Conservation Commission requirements and reviews.
2. Lighting shall conform to the Zoning Code.
3. The Site Plan Special Permit decision shall be recorded at the Registry of Deeds.
4. Any changes to the plan shall be subject to further Planning Board review.

**Motion seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson, and via remote participation, Mr. Harris.

**PB2018-04 Sean Thibert – Accessory Apartment Use Special Permit – 197 Follows Road**

Representative: Sean Thibert

Chairman Mr. Brophy opened the Public Hearing at 6:50pm by reading the legal into the record. *The application, with waivers, seeks approval of a Use Special Permit for a detached Accessory Apartment pursuant to the Code of the Town Harwich §325-51.H and Article V Use Regulations. The proposal seeks to construct a 472±SF, one (1) bedroom dwelling unit above a one bay garage. The property is located at 197 Follows Road, Map 60, Parcel H3-1 in the R-R Zoning District.*

Mr. Peterson stated that Mr. Thibert has done work for him in the past. The Board members agreed that this should not be considered a conflict of interest.

Mr. Thibert presented the application stating that he is seeking a special permit for an accessory apartment in a detached garage. Ms. Greenhalgh spoke to the Town departments review and approval of the plan and recommended approval.

There was no input from the public. **Motion made by Mr. McParland to close the Public Hearing at 6:53pm.** Seconded by Mr. Atkinson. Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to approve waivers** pursuant to §400-6 of any and all Commercial or Residential requirements of the bylaw that are not applicable to this petition. **Seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to approve the following findings of fact:**

1. The parcel(s) is in the R-R zoning district.
2. The apartment unit is not greater than 900 SF (being 472± SF).
3. It is the owner's intent to continue to reside and occupy the main dwelling on the property.

4. Minimum requirements have been met for setbacks, area and bulk.
5. The driveway and garage will provide sufficient off street parking which meets the minimum requirements.
6. The application as submitted does not adversely affect local traffic or create traffic hazards (§325-51.H.(2)).

**Seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to approve with conditions the Use Special Permit and waivers** for Sean Thibert, for a detached 472+SF one (1) bedroom Accessory Apartment above a garage pursuant to the Code of the Town Harwich §325-51.H and Article V Use Regulations. The property is located at 197 Follows Road, Map 60, Parcel H3-1 in the R-R Zoning District. The approval is 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 and the following conditions:

1. The owner shall maintain occupancy in one of the units as required by Town Code.
2. The Special Permit decision shall be recorded at the Registry of Deeds.
3. Any changes to the plan shall be subject to further Planning Board review.

**Seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**Zoning Amendment Public Hearing - Large-Scale Ground-Mounted Photovoltaic Arrays**

Chairman Mr. Brophy opened the Public Hearing at 6:57pm by reading the Legal into the record. *To see if the Town will vote to amend the Town's Zoning Bylaw, by establishing a new Article XXIII, Large-Scale Ground-Mounted Photovoltaic Arrays (>250kW) with detailed requirements; a map change to create an overlay district; and add the use to Table 1- Use Regulations. - Full text is available on the posted notice and at <http://www.harwich-ma.gov/planning-board>*

Ms. Greenhalgh spoke to the Town's goal of becoming a designated Green Community. To that end, she has created a review process and plan requirements for Large-Scale Ground-Mounted Photovoltaic Arrays. It is similar to the Site Plan Review Special Permit process, except that it is by-right. They are proposing over 8 acres directly west of the existing Solar Farm off of Queen Anne Road be designated as a Solar Farm area, it is on town property.

Larry Cole, Chairperson of the Energy Committee, briefly explained the ways in which Harwich could be designated as a Green Community. He also spoke to the potential benefits to the Town. There was no future input from the public.

**Motion made by Mr. McParland to close the Public Hearing at 7:13pm. Seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to accept the article and recommend it to Town Meeting. Seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**PB2018-08 - Susan Ladue, Eastward Companies – 8 lot Preliminary Subdivision – 1522 & 1546 Orleans Road**

Representatives: Susan Ladue, Eastward Companies and David Clark, P.E.

Chairman Mr. Brophy opened this matter. *The proposal seeks approval of a ten (10) lot preliminary subdivision plan with eight (8) buildable lots, one (1) reserved lot and one (1) Open Space lot pursuant to the Code of the Town of Harwich c.400, Article II as set forth in MGL c. 41 §88 K-GG. The property is located at 1546 and 1522 Orleans Road, Map 97, Parcel B2-1 and a portion of 97 / B2-2, respectively, in the R-R & W-R zoning districts and the Pleasant Bay Water Shed.*

Ms. Ladue presented the application. After consideration, they have decided not to move forward with the Open Space Development, but rather they will move forward with the traditional Grid Subdivision. David Clark spoke to the drainage and the detention areas off of Route 39. They will now comply with State and Federal drainage requirements.

Ms. Greenhalgh spoke to the Planning department’s preference for their decision to go with the Grid subdivision plan rather the Open Space plan they were previously considering. Mr. Atkinson concurred.

Mr. McParland asked if their plan conforms to the Police department’s request that all appropriate lines of sight are present at the entrance and exit of the project. Mr. Clark confirmed that they will. There was no input from the public.

**Motion made by Mr. McParland to approve the preliminary plan** entitled “Preliminary Grid Subdivision” for 1522 Orleans Road (Rte. 39), East Harwich, MA. prepared for Eastward Homes Business Trust, prepared by Clark Engineering LLC and Terry A. Warner, P.L.S, dated 01-26-2018, Scale 1”=60’ subject to the issues raised by all Town departments. **Seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**PB2018-10 John E. Pina, 2 Lot ANR Main Street**

Representative: James Stinson, Esq.

Chairman Mr. Brophy opened the matter. *The proposal seeks approval of a two (2) lot Approval Not Require plan pursuant to M.G.L. c. 41 §81 P. The property is located at 0 Main Street, Map 38, Parcel G3-2, and is shown on the plan entitled “Plan of Land in Harwich Massachusetts as Prepared for John Pina” prepared by Sweetser Engineering, Robin Wilcox, PLS, dated March 5, 2018. The parcels are in the R-L zoning district.*

Attorney Stinson presented the application explaining that there will be no new roads or ways. It is an existing 5-acre parcel being divided into one 4-acre parcel and one 1-acre parcel. Each parcel meets frontage and minimum lot size requirements. The purpose of the application is to solve a title issue with the westerly abutter who has used and occupied part of the parcel pursuant to a plan from 20-25 years ago. This is a compromise which will render clear and good title for both parties.

Ms. Greenhalgh spoke to the Health department's comments regarding future septic system requirements and there was brief discussion.

**Motion made by Mr. McParland to approve that said plan does not constitute a subdivision** as the way shown on a plan, a public way/town road, provides safe and adequate access.

**Seconded by Mr. Atkinson.** Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**Motion made by Mr. McParland to endorse the Approval Not Required (ANR) plan** entitled "Plan of Land in Harwich Massachusetts as Prepared for John Pina", dated March 5, 2018, prepared by Sweetser Engineering, Robin Wilcox, PLS. **Seconded by Mr. Atkinson.**

Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

**Minutes - 1/9/18; 1/23/18; 2/13/18; 2/27/18**

**Motion made by Mr. McParland to adopt the minutes from 1/9/18, 1/23/18, 2/13/18, and 2/27/18.** Seconded by Mr. Atkinson. Vote by roll call: 6-0-1 (Mr. Harris and Mr. Brophy abstained for meetings they did not attend). Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson.

**Old Business - Marijuana Bylaw**

Ms. Greenhalgh gave a brief update regarding the Marijuana Bylaw. She went before the Finance Committee on 3/26/2018. They voted not to support the outright ban. They also voted to approve the extension of the moratorium. They are working on an amendment to the Time, Place, and Manner Bylaw. It will be added to the next Planning Board agenda for discussion.

**Advisory Opinions - Board of Appeals 3-28-18:** No comments from the Board members.

**Briefings and Reports by Board Members:** No updates from the Board members.

**Adjournment:** **Motion made by Mr. McParland to adjourn at 7:35pm.** Seconded by Mr. Atkinson. Vote by roll call: 6-0-0. Members voting: Mr. McParland, Mr. Atkinson, Mr. Brophy, Ms. Maslowski, Mr. Peterson and via remote participation, Mr. Harris.

Minutes transcribed and respectfully submitted by Amy Banford, Board Secretary.

Adopted: May 10, 2018