

HARWICH PLANNING BOARD
HARWICH TOWN HALL
732 Main Street
DONN B. GRIFFIN ROOM
TUESDAY, MAY 10, 2018
6:30 PM
MINUTES

BOARD MEMBERS PRESENT: Chairman, Lawrence Brophy; Vice-Chairman, James Atkinson; Jim Joyce; Joseph McParland; Mary Maslowski;

BOARD MEMBERS ABSENT: Allan Peterson; David Harris

OTHERS PRESENT: Town Planner, Charleen Greenhalgh;

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.

PB2018-12 Heirs of Mark Nickerson, Preliminary Subdivision Plan, Periwinkle Way

Representative: Thad Eldredge

Chairman Mr. Brophy opened the Preliminary Planning Hearing at 6:32pm by reading the Legal into the record. The proposal seeks approval of a preliminary subdivision plan with waivers for an Open Space Residential Development of five (5) buildable lots and Open Space lots pursuant to the Code of the Town of Harwich c.400, Article II as set forth in MGL c. 41 §88 K-GG. The properties are located between Echo Woods and Periwinkle Way and are identified as 0 Chatham Road, Map 34, Parcel N7 and N10 in the R-R zoning district.

Mr. Eldredge spoke to the provided Grid Subdivision Plan which shows 5 lots. They are working with the Natural Heritage and Endangered Special Program (NHESP) to create a cluster subdivision due to adjacent turtle habitat. They are asking for a waiver to not have sidewalks. There is an existing ancient cart path which will be relocated outside of the 50' buffer to the turtle habitat to the north.

Ms. Greenhalgh presented the comments from the Town departments. Conservation will require approval by NHESP for endangered species habitat before the Board can approve the application. The application has not been reviewed by the Board of Health yet, review will be necessary when they file for a Definitive Plan. The Highway Department has some concerns with the placement of the driveways when it comes time to plow snow. A shared driveway could be a possibility with a Special Permit. The Planning Department has no concerns other than the requirements of the NHESP and the Board of Health are met.

Mr. Atkinson asked for clarification on why both the grid and the cluster subdivision plans were submitted. Ms. Greenhalgh explained that the grid plan has to be submitted to show that they can get 5 lots. It also allows the Board the opportunity to decide if the cluster plan or the grid plan makes more sense to approve. She also pointed out that the cluster plan requires a lot less asphalt coverage than the grid plan.

Mr. Atkinson asked about the area of the plan labeled “Open Space Possible Future Phase”. Mr. Eldredge said that the Open Space is there to accommodate the turtles. If something changes in the future, the land might be re-designated for development. Ms. Greenhalgh stated that any changes to the Open Space would require a modification from the Planning Board and this will be made clear when the Definitive Plan is submitted.

Mr. Atkinson expressed concern with so many driveways in short proximity within the cul-de-sac.

Mr. McParland asked for clarification of “Lot 1 Open” on the cluster plan. Mr. Eldredge explained that part of each lot is being designated as part of the Open Space in order to meet lot size requirements as well as Open Space requirements.

Mr. McParland and Mr. Joyce asked for clarification on the plans for the cart path. Mr. Eldredge responded that they are required to maintain the cart path which dates back to at least 1850, but plan to re-route it through the Open Space so as not to have it going directly through anyone’s yard.

Mr. Atkinson asked who will manage the Open Space. Mr. Eldredge responded that the Conservation Commission could hold the restriction, but they still need to determine who would manage the space day to day.

Ms. Maslowski expressed caution about the relocation of an Ancient Way. There was some discussion and it was decided that this would not be a problem.

Wayne Robillard, resident of Harwich, asked if any of the proposed dwellings will be affordable or low-income housing. No, they will not. Mr. Robillard also asked if future owners will know that they cannot build on the Open Space portion of their lots. Yes, they will be informed and it will be on the deeds. There will be individual septic systems for each dwelling.

Motion made by Mr. McParland to approve the preliminary plan entitled “Preliminary Subdivision Plan” Sheet 1 of 2 and Sheet 2 of 2 dated 03-28-2018 prepared for Heirs of Mark Nickerson et al, Periwinkle Way, Harwich, MA, Scale 1” = 40’, subject to the issues raised by all Town departments, including the requirement that Board of Health review and approval shall be required prior to the Planning Board holding a public hearing on the Definitive Plan application.

Seconded by Mr. Atkinson. Vote: 5-0-0. Members voting: Mr. McParland, Mr. Brophy, Mr. Atkinson, Ms. Maslowski, Mr. Joyce.

PB2018-14, Weiler, Walkley & Associates – Waiver of Site Plan - 527 Long Pond Dr

Representative: Craig Hicks

Chairman Mr. Brophy opened the Hearing at 7:00pm by reading the Legal into the record. The application seeks approval of a Waiver of Site Plan to remove the proposed sidewalk from the approved site plan that runs from Long Pond Drive to the Weiler office. The property is located at 527 Long Pond Dr., Map 111, Parcel A2 in the R-R and W-R Zoning Districts. The application is pursuant to the Code of the Town Harwich §325-55.F.

Mr. Hicks gave an overview of the reasons for the request for Waiver of Site Plan. Adding a sidewalk in the planned location would necessitate the removal of established vegetation and relocation of underground natural gas and communications lines. Many other businesses in the area do not have sidewalks leading from the main roads to the businesses. The facility's building and parking lot are ADA compliant. The facility is a professional office that patrons access via personal vehicle or CCRTA which comes directly to the front door of the facility. It would be very uncommon for a handicapped individual to attempt to access the property via the sidewalk on Long Pond Rd.

Linda Shrake, Harwich resident, asked if the waiver is approved, would an additional driveway to access the property be asked for in the future. Ms. Greenhalgh responded that through Cape Cod Commission review and approval, there would be no future access granted to this property.

Ms. Greenhalgh pointed out that the way in question is a driveway, not a street. If it were a street, a sidewalk would be required, but because it is a driveway a ramp is required, which means that it would have to comply with slope requirements.

Wayne Robillard, resident of Harwich, asked where the sidewalk is proposed in the original plan. He is opposed to this request. He stated that cars are being parked along the driveway during the busy times and he believes this is why the applicant does not want to put in a sidewalk there.

Ms. Greenhalgh stated that if this request is denied, the applicant could potentially have to go to the Zoning Board of Appeals to get approval for construction of the sidewalk.

Mr. McParland spoke to the fact that the original plan with the sidewalk is dated 2006. He also pointed out that Fontaine is now an emergency care facility adding to the traffic flow.

Motion made by Ms. Maslowski to approve the following Findings of Fact:

1. The parcel are in the RR Zoning District.
2. The application does not substantially change the relationship of the structure to the site and to abutting properties.
3. There are adequate HP parking spaces to accommodate visitors to the site.
4. Public transportation enters the property to drop off patients.
5. There will be limited impact on other existing uses of the site.

Seconded by Mr. Atkinson. Vote: 3-2-0. (Mr. McParland and Mr. Joyce against). **Motion passed** as only a simple majority was required.

Motion made by Ms. Maslowski to Approve Case PB2018-14, Weiler, Walkley & Associates, as applicant, Weiler Family L.P., as owner, seeks approval of a Waiver of Site Plan to remove the proposed sidewalk from the approved site plan that runs from Long Pond Drive to the Weiler office. The property is located at 527 Long Pond Dr., Map 111, Parcel A2 in the R-R and W-R Zoning Districts. The application is pursuant to the Code of the Town Harwich §325-55.F. based on the findings of fact above and that the fact that the proposal does not substantially change the relationship of the structure to the site or to abutting properties and structures and the application meets the necessary requirements and criteria for approval.

Seconded by Mr. Atkinson. Vote: 3-2-0. (Mr. McParland and Mr. Joyce against). **Motion denied** due to the requirement of 4 out of 5 members voting in the affirmative.

PB2015-12 Mark T. Smith - Partial Release of Covenant - Arthur's Way

Representative: Mark Smith

The application seeks a partial release of covenant for Lots 2 and 3 within "The Preserve" Subdivision, Arthur's Way, off Route 39.

Ms. Greenhalgh described the location of the property. The Engineering department has no issue with releasing these 2 lots.

Motion made by Mr. McParland to approve the release of lots 2 & 3. Seconded by Mr. Atkinson. Vote: 5-0-0.

Informal Discussion

The Board members discussed the successful passage of the new Zoning Bylaws at Town Meeting. Mr. Joyce thanked Ms. Greenhalgh for her excellent work on creating visual presentations which he believes were key to the success of the Meeting.

Mr. Joyce asked the Board members about run-off on Auston Road during storms. Ms. Greenhalgh stated that Auston Rd is a private road. She will contact Susan Ladue of Eastward Companies, who owns the road) to informally address this.

Mr. Joyce spoke to the idea of having 3 separate glass bins at the Harwich Transfer Station. The town could make more money from the glass if it were separated into clear, green, and brown glass. He will contact Link Hooper with the idea.

Minutes – 3/27/2018

Motion made by Mr. McParland to approve the minutes from the 3/27/2018 Planning Board meeting. Seconded by Mr. Atkinson. Vote: 5-0-0.

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: 5-0-0.

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

Adopted: June 26, 2018