HARWICH PLANNING BOARD

HARWICH TOWN HALL

732 Main Street - Donn B. Griffin Room

Tuesday, August 14, 2018 - 6:30 PM

MINUTES

BOARD MEMBERS PRESENT: Chairman Jim Joyce, James Atkinson; Joseph McParland; David Harris; Craig Chadwick; and Mary Maslowski

BOARD MEMBERS ABSENT: Allan Peterson

OTHERS PRESENT: Charleen Greenhalgh, Town Planner; Brian Yergatian, PE, BCS Group; Aaron Gingras; Susan Ladue.

CALL TO ORDER - 6:30 PM by Chairman, Joyce with a quorum present.

Chairman Joyce 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.

PB2018-30 Emulous E. Hall, Trs., et als., as owner, Sea Street Production LLC, d/b/a Salt Block Food Truck, Douglas J. Ramler, Use Special Permit, 346 Route 28

Representatives: None

The Chairman opened the hearing of the Harwich Planning Board (the “Board”) at 6:30 pm by reading the legal notice into the record. The applicant sent a letter requesting a continuance to September 11, 2018. There was some brief discussion among the Board.

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted unanimously to continue the hearing to no earlier than 6:30 pm 9/11/2018.

PB2018-24 Sundae School Inc., applicant, Site Plan Review Special Permit, 606 Route 28

Representatives: Brian Yergatian, PE, BCS Group

The Chairman reopened the hearing at 6:34 pm.

Brian Yergatian PE, BCS Group, reviewed the outstanding issues. 1) MassDOT written opinion received. 2) Post & Rail fence opening will be included (note added to plan).

Ms. Greenhalgh read an email from MassDOT into the record: “*The location of the driveway on the attached sketch is consistent with what was discussed during our preliminary meeting on April 24, 2018. Based on this meeting and a precursory review, MassDOT has no objection at this time to the location of the driveway being across from Bay View Rd.”*

Ms. Greenhalgh then reviewed the Staff Report. Per conversations with the applicants Engineer, MassDOT has reviewed the proposal and preliminarily has no issues with the new curb cut; however local review and approval is required before MassDOT can act formally. This should be made a condition of approval. Another recommended condition is that an as-built plan should be required in the event that the review and approval of MassDOT results in any changes to the proposed entrance.

Mr. McParland asked for clarification on the existing entrance and the fence. Mr. Chadwick asked about the entrance and egress from the existing entrance. Mr. Harris asked about site circulation. Mr. McParland asked if the applicant had spoken with the abutters. Mr. Yergatian provided clarification based on the plan provided.

There were no questions from the audience.

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted unanimously to close the public hearing at 6:43 pm.

The Chairman thanked Mr. Yergatian for the additional information.

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted to approve the following waivers pursuant to §400, as requested base on the facts presented by the applicant:

1. Drainage Calculations including showing location of surface and subsurface draining; drainage facilities; impervious surfaces and drainage plan.
2. Submittal of an existing conditions plan.
3. Topography requirement.
4. Dumpster location.
5. Sewage disposal system.
6. Utilities.
7. Lighting details.
8. Retaining wall.
9. General location of trees and proposed landscaping.
10. Building Plans

Vote: 5-0-1 (Mr. Chadwick not eligible to vote).

On a motion by Mr. McParland, seconded by Mr. Atkinson, **t**he Board voted toadopt the following finding of fact:

1. The property is located within the CV and RM districts.
2. The site has changed little, or not at all, since approvals were received for the site in 1996 and the use special permit for Restaurant/Fast Food in 2002.
3. The proposed curb cut is directly across from Bay View Road, which is a preferable design configuration.
4. The access as proposed at the property line meets the minimum standards of the zoning code.
5. The reduction in the number of parking spaces still leave more than adequate parking for the existing ice cream shop use.
6. The addition of a split-rail fence to limit access from the existing to the ice cream shop will not be a detriment.
7. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.

Vote: 5-0-1 (Mr. Chadwick not eligible to vote).

On a motion by Mr. McParland, seconded by Mr. Atkinson, **t**he Board votedto approve with conditions case number PB2018-24 Sundae School Inc., as applicant, a Site Plan Review Special Permit, with waivers, pursuant to the Code of the Town Harwich §325-55 for a new entrance off of Route 28, resulting in the reduction of four parking spaces. The property is located at 606 Route 28, Map 14, Parcel Z18-2 and is in the C-V, R-M and Village Commercial Overlay Zoning Districts. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and following conditions:

1. MassDOT approval shall be required.
2. An as-built plan shall be required in the event that the review and approval of MassDOT results in any changes to the proposed entrance.
3. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
4. Any changes to the site plan, other than those resulting from MassDOT review and approval, shall be subject to further Planning Board review and approval.

Vote: 5-0-1 (Mr. Chadwick not eligible to vote).

PB2018-31 Aaron Gingras, 2 lot Approval Not Required plan, 0 Oak Street

Representatives: Aaron Gingras

The application seeks endorsement of a two (2) lot Approval Not Required plan for property located at 0 Oak Street, Map 60, Parcel R1, located in the R-M zoning district(s). This is shown on a plan dated July 17, 2018, prepared by Ryder & Wilcox, Inc., entitled “Plan of Land in Harwich, MA showing a division of L.C.P. 43402A prepared for Aaron T. Gingras.”

Ms. Greenhalgh read from the Staff Report. This proposal meets the minimum criteria for endorsement of an ANR plan pursuant to §400-9 of the Harwich Town Code and pursuant to Massachusetts General Law Chapter 41 §81 K-GG (adequate frontage for the zoning district with adequate access). 2) Each of the lots contains adequate frontage on Oak Street, a town road, which appears to provide for safe and adequate access. Both lots contain wetlands, but should be able to avoid being in the buffer zone with any development. 0’-50’ buffer is no disturb zone. No variances from Board of Health will be granted for new construction.

Mr. McParland asked where the house will be built on Lot 2. Mr. Gingras stated that he wants to keep farming the land for as long as possible. Mr. Chadwick asked for clarification on the location of Lot 1 which Ms. Greenhalgh provided.

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted unanimously to adopt the following Finding of Fact: Said plan does not constitute a subdivision as the way shown on a plan, a public way, provides safe and adequate access.

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted unanimously to endorse the ANR plan entitled “Plan of Land in Harwich, MA showing a division of L.C.P. 43402A prepared for Aaron T. Gingras”, prepared by prepared by Ryder & Wilcox, Inc., dated July 17, 2018, Scale 1” = 60’.

PB2018-13 Eastward Homes Business Trust, Bascom Hollow - Partial Covenant Release

Representative: Susan Ladue

Ms. LaDue gave an overview of the application. They are requesting the release of five lots. Four lots can be developed until the sewer is available. The fifth lot (Lot 1) will be used for the shared septic system. They currently have one lot under agreement for $250,000.

Mr. Joyce asked for clarification on the number of lots. Only four of the five lots released will have houses built upon them until after the sewer system is available and the shared septic system can be abandoned. Three lots will remain in covenant.

Mr. McParland asked if they were building to suit or as spec. Ms. Ladue responded that they will be doing both and are applying for Building Permits for Lots 5 and 7 presently. He also asked if this was going to be the first or one of the first streets to be connected to the sewer, which they are.

Mr. Chadwick asked about their criteria for choosing the lots to release. Ms. LaDue explained that they are having a sewer main installed under the road with connections for each lot so it will be easier to hook them up to the sewer system once it is available. The septic connections will use this main line until that time.

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted unanimously to grant a partial covenant release of Lots 1, 2, 4, 5, and 7 in the Eastward Homes Business Trust Bascom Hollow subdivision.

Advisory Opinions

The Board reviewed the Historic District and Historical Commission (the “HDHC”) August 15, 2018 Agenda. There was a brief discussion about the HDHC demolition delay process but no comments from the Board.

The Board reviewed the Zoning Board of Appeals (the “ZBA”) August 29, 2018 Agenda. There was a brief discussion but no comments from the Board.

Minutes - May 29, 2018; July 10, 2018; July 24, 2018, July 31, 2018

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted to approve the Minutes from May 29, 2018; July 10, 2018; July 24, 2018; July 31, 2018. Mr. Harris abstained from voting on July 24, 2018 due to not being present. Mr. Chadwick abstained from voting on all due to not being present. The motion passed.

Other Business

Ms. Greenhalgh pointed out that the Board has heard 34 applications so far in 2018, while there were only 33 total applications in 2017. There are no applications for the August 28, 2018 meeting.

On a motion by Mr. McParland, seconded by Mr. Atkinson, the Board voted to cancel the August 28, 2018 meeting.

Adjourn

On a motion from Mr. McParland, seconded by Mr. Atkinson, the meeting adjourned at 7:16 pm.

Respectfully submitted,

Amy Banford, Board Secretary

Adopted: September 11, 2018