

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
TUESDAY, APRIL 28, 2020 – 6:30 PM
MEETING MINUTES**

BOARD MEMBERS PRESENT: Chairman, Joseph McParland; Vice-Chairman, Allan Peterson; Mary Maslowski; William Stoltz; Craig Chadwick; and Arthur Rouse were all present via remote participation. David Harris arrived remotely at 7:01 PM.

BOARD MEMBERS ABSENT: Duncan Berry.

OTHERS PRESENT: Town Planner, Charleen Greenhalgh; Katie Tenaglia; Christian Davenport; Paul Sweetser; Bill Crowell; and Wayne Coulson.

CALL TO ORDER - 6:38 PM by Chairman McParland with a quorum present.

Call to Order Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Harwich Planning Board is being conducted via remote participation. No in person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen or view this meeting while in progress may do so by logging in or calling in as specified above on this agenda.

PB2020-08 Davenport Companies, 424 Queen Anne Road, Use Special Permit with Waiver
Representatives: Paul E. Sweetser and Christian Davenport

Chairman McParland opened the public hearing at 6:40 PM by reading the legal notice into the record. Applicants seek approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 424 Queen Ann Road, Lot 1 Map 70, Parcel B-1 in the R-M District.

The hearing began with Paul Sweetser explaining the proposal. A duplex is proposed with a waiver.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record.

Health: As the plan is proposed, the Health Department has no issues or concerns. A fully compliant septic system must be approved prior to any building permit sign off. No variances from state or local regulations will be granted. Fire: No concerns. A much needed project. Police and Conservation: No concerns. Highway: Must pull driveway permit. Planning Staff Comments: 1. All requirements Pursuant to §325-51.N have been met. 2. Stormwater generated on the site should be maintained on the site. 3. There is a strong need for rental units within the Town of Harwich. 4. The requested waivers are reasonable. 5. Standard conditions are

recommended. 6. Important Note: please know that the statutory 20-day appeal period is stayed until such time as the declared emergency is over.

Ms. Maslowski made the motion to close the public hearing at 6:46 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

On a motion from Ms. Maslowski and seconded by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) by roll call vote to adopt the following findings:

1. The lot contains the minimum requirement of 40,000 SF of upland.
2. Each dwelling unit's floor area is greater than the 800 SF minimum requirements.
3. A common roof connects the dwelling units.
4. The parcels provide sufficient access for two spaces for each unit.
5. The use as developed will not adversely affect the neighborhood.
6. The specific site is an appropriate location for such a use, structure or condition.
7. There will be no nuisance or serious hazard to vehicles or pedestrians.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to approve with conditions a Use Special Permit with waivers for PB2020-08 Davenport Companies for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9 for property located at 424 Queen Ann Road, Lot 1 Map 70, Parcel B-1 in the R-M District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:

1. All stormwater runoff generated within the subject property shall be controlled and infiltrated on the subject property.
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.

PB2020-09 Davenport Companies, 424 Queen Anne Road, Use Special Permit with Waiver

Representatives: Paul Sweetser and Christian Davenport

Chairman McParland opened the public hearing at 6:52 PM by reading the legal notice into the record. Applicants seek approval of a Use Special Permit with waivers for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9. The property is located at 424 Queen Ann Road, Lot 2 Map 70, Parcel B-1 in the R-M District.

The hearing began with Paul Sweetser explaining the proposal. A duplex is proposed, with special permit with waiver.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record.

Health: As the plan is proposed, the Health Department has no issues or concerns. A fully compliant septic system must be approved prior to any building permit sign off. No variances from state or local regulations will be granted. Fire: No concerns. A much needed project. Police and Conservation: No concerns. Highway: Must pull driveway permit. Planning Staff Comments: 1. All requirements Pursuant to §325-51.N have been met. 2. Stormwater generated on the site should be maintained on the site. 3. There is a strong need for rental units within the Town of Harwich. 4. The requested waivers are reasonable. 5. Standard conditions are recommended. 6. Important Note: please know that the statutory 20-day appeal period is stayed until such time as the declared emergency is over

Vice-Chairman Peterson made the motion to close the public hearing at 6:55 PM, seconded by Mr. Rouse, unanimously so voted via roll call.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to adopt the following findings:

1. The lot contains the minimum requirement of 40,000 SF of upland.
2. Each dwelling unit's floor area is greater than the 800 SF minimum requirements.
3. A common roof connects the dwelling units.
4. The parcels provide sufficient access for two spaces for each unit.
5. The use as developed will not adversely affect the neighborhood.
6. The specific site is an appropriate location for such a use, structure or condition.
7. There will be no nuisance or serious hazard to vehicles or pedestrians.

On a motion from Ms. Maslowski and seconded by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) by roll call vote to approve the waiver from Article II, Section 400-17 A(1)(a) requiring a signed and notarized affidavit by the owner stating that he or she will live in one of the units on a year-round basis.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to approve with conditions a Use Special Permit with waivers for PB2020-09 Davenport Companies for a Two-Family dwelling pursuant to the Code of Town of Harwich §§ 325-13.A, -51 and -51.N as set forth in MGL c. 40A §9 for property located at 424 Queen Ann Road, Lot 2 Map 70, Parcel B-1 in the R-M District, based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval; with the following conditions:

1. All stormwater runoff generated within the subject property shall be controlled and infiltrated on the subject property.
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.

PB2020-11 Gerald E. Burke, 22 Sunrise Road, Use Special Permit

Representative: William Crowell

Chairman McParland opened the hearing at 7:00 PM. Applicants seek approval of a Use Special Permit, with waivers, pursuant to the Code of the Town Harwich §325-13, Table 1 - Use Regulations and §325-14.Q - to alter the upper level of detached residential accessory

garage/stable into an accessory structure with a bedroom. The property is located at 22 Sunrise Road, Map 26, Parcel E2-3, in the R-M and W-R Zoning Districts.

Attorney Crowell requested a continuance to May 28, 2020.

At 7:01 PM, Ms. Maslowski made the motion to continue the public hearing to Thursday May 28 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously (7-0-0) so voted via roll call.

PB2020-02 Steve Gopoyan & Swavi Osev, 346 Route 28, Site Plan Review Special Permit
Representative: Andrew Singer

Ms. Maslowski recused herself from this hearing. Chairman McParland reopened the hearing at 7:03 PM. Applicants seek approval of a Site Plan Review Special Permit and a Use Special Permit with waivers, pursuant to the Code of Town of Harwich §§325-13, ¶IV Line 30, -55 and -51 to construct a miniature golf course and expand and improve the parking and vehicle access. The property is located at 346 Route 28 and 0 Sisson Road, Maps 21, Parcels N1 & N2, respectively, in the C-H-1 and R-M zoning districts. Continued from March 10, 2020. Please Note: the applicant has requested a continuance to June 9, 2020, therefore no testimony will be taken.

At 7:04 PM, Mr. Chadwick made the motion to continue the hearing to June 9th no earlier than 6:30 PM, seconded by Mr. Stoltz, unanimously so voted via roll call (7-0-0).

PB2020-10 Wayne Coulson, 0 Old Campground Road, Approval Not Required Plan
Representative: William Crowell

Chairman McParland opened the discussion at 7:05 PM. Applicant seeks endorsement of a one (1) lot Approval Not Required plan entitled “Plan of Land in Harwich, MA, Prepared for Wayne Coulson” dated December 2, 2019 prepared by Stephen B. Moore, PLS, pursuant to M.G.L. c. §81 P and §400-9 of the Codes of the Town of Harwich for property located at 0 Old Campground Road, Map 30, Parcels C6 - 610. The parcels are in the R-M zoning districts.

It was noted that Mr. Rouse, as an alternate member, was not eligible to vote on this matter.

Mr. Crowell explained the application for the Approval Not Required plan. This will combine the 5 lots. The property is located off of Gilbert Lane. Old Campground is a Road was in existence prior to 1912. This was known as Nickerson Neck. It was called Old Campground Road because they had spiritual meetings at the campground. Mr. Crowell presented a deed to the Board showing its existence, and an unreported plan for Marinas Nickerson. This has been used by attorneys in the past, and it shows that the Road is extending from Gilbert Lane North providing frontage. The intention is that the Road, or ancient way, has been in existence prior to subdivision control. Mr. Crowell provided a letter from Chief Clark in support. There is a dwelling on campground road already, who has lived there for 30 years. A building permit shows that there was adequate frontage.

Mrs. Greenhalgh read departmental input and the town planners report. The Board may: 1) Vote to endorse the ANR; or 2) Deny the ANR specifically detailing why it does not meet the requirements for endorsement as an ANR; or 3) Take no action; which would result in the Town

Clerk certifying that the Planning Board took no action within the statutory time. Staff comments: Planning: 1. A revised plan is needed showing the FEMA Flood Information. 2. Although the Fire Chief has provided a letter indicating that he finds that the road meet the Fire Department's criteria for safe access, I continue to have concerns that Old Campground Road provides for safe and adequate access and frontage. 3. The plan provided by the attorney is not a recorded plan. I have not found a plan showing Old Campground Road. 4. If the Board is satisfied by the information provided by the attorney, it should vote to endorse the plan as Approval Not Required. 5. Most important, if the Board does vote to endorse this plan, it is unclear as to when that will be able to occur. Town Hall is currently closed with limited access for specific employees only. Endorsement may have to wait until after the declared emergency is over. Police: No comments Conservation: No issues with reconfiguration of lot lines. Owner is aware of process for developing lots in Conservation jurisdiction as he is going through it with neighboring lots. Health: When the lot is eventually developed, no variances from state or local regulations will be granted.

Mr. Stoltz asked how wide the road is. Mr. Crowell responded that it's not a town road or paved road, that is why the fire chief goes and makes a site visit to determine if it has appropriate access, and he has deemed that it is.

Mr. Harris asked how they are dealing with public comments. It was confirmed that the public can speak up, but that no one is online.

Discussion ensued.

At 7:20 PM, on a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) by rollcall vote to find that said plan does not constitute a subdivision as the way shown on the plan is a way in existence when the subdivision control law became effective in the town and has, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (6-0-0) by roll call vote to endorse (or deny) the ANR plan entitled "Plan of Land in Harwich MA Prepared for Wayne Coulson, prepared by Moore Surveying, dated December 2, 2019, revised March 20, 2020, Scale 1" = 50'.

As copy of this revised plan **has not** yet been filed with either your office or with the Planning Board. The Board Members will endorse the plan once it is received through the Town Clerk's Office and once the Emergency Order in effective is lifted by Governor Baker

ELECTRONIC SIGNATURE: Possible Vote pursuant to Massachusetts Deed Indexing Standards 2018 April 2020 Amendment. Chairman McParland opened the discussion at 7:25 PM. Chairman McParland stated he doesn't believe there is a need to discuss this without the entire Board present, and continued it to the next meeting.

MEETING MINUTES: April 14, 2020

Vice-Chairman Peterson made the motion to accept the minutes from April 14, 2020, seconded by Mr. Chadwick, unanimously so voted via roll call.

OLD BUSINESS:

Change in 2020 Hearing/Meeting Schedule due to rescheduled Town Meeting. On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously (7-0-0) by rollcall vote approve the revised schedule changing the second meeting in June from Tuesday, June 23 to Thursday, June 25.

BRIEFINGS AND REPORTS BY BOARD MEMBERS: None

ADJOURNMENT:

Ms. Maslowski made the motion to adjourn at 7:31 PM, seconded by Mr. Rouse, unanimously so voted via roll call.

Respectfully Submitted,

Kathleen A. Tenaglia, Board Secretary

Adopted: May 12, 2020