

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
TUESDAY AUGUST 11, 2020 – 6:30 PM
MEETING MINUTES**

BOARD MEMBERS PRESENT: Vice-Chairman, Allan Peterson; Arthur Rouse; David Harris; Mary Maslowski; William Stoltz; Craig Chadwick; and Duncan Berry were all present via remote participation.

BOARD MEMBERS ABSENT: Chairman, Joseph McParland.

OTHERS PRESENT: Charleen Greenhalgh; Katie Tenaglia; Kristen Berry; Robert Ormon; Ralph Diamond; Gail McAleer; Rick Hamlin; Sally Urbano; Sarah Korjeff; Chloe Schaefer; Cyndi Williams, and others.

CALL TO ORDER - 6:35 PM by Vice-Chairman Peterson with a quorum present.

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.

PB2020-13 Davenport Companies Inc., 0 Old Campground Road, Use Special Permit

Representative: John M. O'Reilly, PE, PLS

Vice-Chairman Peterson re-opened the hearing at 6:37 PM. Applicant seeks 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 0 Old Campground Road Map 30, Parcel C12 in the R-M District. Continued from June 25, 2020. The applicant has requested a withdrawal without prejudice.

At 6:38pm, Mr. Chadwick made the motion to close the public hearing, seconded by Mr. Berry, unanimously so voted via roll call (7-0-0).

Mr. Chadwick made the motion to allow for the withdrawal without prejudice of case PB2020-13 for Davenport Companies Inc., seconded by Mr. Berry, unanimously so voted via roll call (7-0-0).

PB2020-14 Davenport Companies Inc., 0 Old Campground Road, Use Special Permit

Representative: John M. O'Reilly, PE, PLS

Vice-Chairman Peterson re-opened the hearing at 6:40 PM. Applicant seeks 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 0 Old Campground Road Map 30, Parcel C11 in the R-M District. Continued from June 25, 2020. The applicant has requested a withdrawal without prejudice.

At 6:42pm, Mr. Chadwick made the motion to close the public hearing, seconded by Mr. Stoltz, unanimously so voted via roll call (7-0-0).

Mr. Berry made the motion to withdraw the application, seconded by Mr. Chadwick. Mr. Berry amended the motion to allow for the withdrawal without prejudice of case PB2020-14 for Davenport Companies Inc., seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

PB2020-20 Ormon, Robert, 524 Depot Street, Use Special Permit

Representatives: Rick Hamlin, William Crowell Jr., and Robert C. Chamberlain

Vice-Chairman Peterson opened the hearing by reading the legal notice into the record at 6:43 PM. Applicants seek approval of a Use Special Permit pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair. The property is located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the IL zoning district.

Mr. Hamlin explained that the proposal is for bays 1 and 2, located at 524 Depot Street. They are proposing to be used as a mechanic repair shop. He explained the parking, and facility specifications.

Mrs. Greenhalgh read the planners report and departmental input into the record. Comments from Other Boards/Committee/Departments: Health: The Health Department has no issues with the plan- however; we do require a breakdown of what the other units were being used for in order to guarantee there is proper septic flow. The engineered septic plan shows that 561 gallons per day are provided, for 35 employees. Each service bay requires 150 gallons per day per bay. That would leave a remaining flow for 17 employees allowed in the other remaining bays. Additionally, any holding tank would need to comply with plumbing requirements. Engineering, Water, Fire, Police, Highway, and Conservation: No concerns or comments Planning Staff Comments: 1. This property may look familiar to the Planning Board. It was before you in December 2019 for a Waiver of Site Plan, which was approved. 2. This is an eight (8) bay industrial building providing 36 parking spaces overall 3. The proposed automotive service and repair, per the July 7, 2020 letter from Mr. Hamlin, will comprise two (2) service bays with only one employee, the owner. There would only be one car per bay stored overnight. Two of the seven parking spaces are within the service bays themselves, with 5 additional spaces designated in the southwest corner of the parking lot. 4. Planning Staff has no concerns; however imposing standard conditions are recommended.

Mr. Ormon explained that there is only 1 tenant in the building. They are not concerned with the Health Department concerns. They will deal with the others as they are rented out. Bill Stoltz asked if each of these units will have holding tanks. Mr. Ormon explained that the tanks have already been installed, and approved for each bay.

Ms. Maslowski made the motion to close the public hearing at 6:51 PM, seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

Ms. Maslowski motion the proposed findings, seconded by Mr. Harris, unanimously so voted via roll call (7-0-0).

1. The parcel is in the I-L zoning district.
2. The existing site is suitable for the proposed use.
3. Only one (1) employee is proposed.
4. Only one car per bay shall be stored overnight.
5. Parking as proposed is suitable.
6. The use as proposed will not adversely affect the neighborhood.
7. The specific site is an appropriate location for such a use.
8. There will be no nuisance or serious hazard to vehicles or pedestrians.

Ms. Maslowski made the motion to approve with conditions a Use Special Permit for PB2020-20 Robert Ormon pursuant to the Code of Town of Harwich §§325-13.D, ¶ IV, Line 2, and §325-51 for Automotive Service & Repair for the property located at 524 Depot Street, Units 1 & 2, Maps 45, Parcel S2-1-1, in the I-L zoning 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) Any changes or expansion of the use of Units 1 and 2, shall require further review and approval from the Planning Board. 2) This Special Permit applies to Unit 1 and Unit 2 only. 3) The Special Permit decision shall be recorded at the Registry of Deeds. 4. Board of Health and Plumbing requirements are all met, seconded by Mr. Harris, unanimously so voted via roll call (7-0-0).

ZONING AMENDMENT PUBLIC HEARING- Essential Services

Vice-Chairman Peterson opened the Zoning Amendment Public Hearing at 6:56 PM by reading the legal notice into the record. In accordance with the provisions of MGL c.40A §5, the Harwich Planning Board will hold a public hearing on Tuesday, August 11, 2020 not earlier than 6:30 pm in the Donn B. Griffin Room, Harwich Town Hall, 732 Main Street, Harwich, to consider an amendment to the Harwich Zoning Codes: Article ____: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by deleting the definition of “Essential Services” within §325-2 – Definitions and by deleting within §325-13 – Table 1, Paragraph II – Public and Quasi Public Uses, Item 3 – Essential services; facility, utilities.

Mrs. Greenhalgh explained that on June 25, 2020 the Planning Board voted unanimously to send the proposed zoning amendment relative to the removal of the term Essential Services to the Board of Selectmen to begin the public hearing process pursuant to MGL c.40A, §5. The proposed amendment was sent to the Board of Selectmen on July 1, 2020. On July 13, 2020 Board of Selectmen voted to refer the proposed zoning amendment relative to the removal of the term Essential Services to the Planning Board. This was forwarded to the Planning Board on July 14, 2020. The Board has 6 months from public hearing to town meeting vote. Town meeting is scheduled for September, so it is recommended to hold an additional public hearing just to be sure the timing works out. It was also recommended by town council to eliminate this definition. These amendments have also been vetted by Town Council. ZBA had no concerns after

discussion with the Town Planner, and Town Council. These amendments will make projects smoother.

No comments from Board members or the public.

After no comments, Ms. Maslowski made the motion to close the public hearing at 7:00 PM seconded by Mr. Harris, unanimously so voted via roll call (7-0-0).

Ms. Maslowski made the motion to approve the amendment and send it to Town meeting, seconded by Mr. Berry, unanimously so voted via roll call (7-0-0).

PB2020-22 Bryan Barrows, 243 Queen Anne Road, Waiver of Site Plan Review

Vice-Chairman Peterson called the matter to order, the applicant seeks approval of a Waiver of Site Plan Review pursuant to the Code of the Town of Harwich §325-55.F to construct / erect a temporary manufactured, two-bay, 50' x 60' fabric covered structure and an already improved lot. The property is located at 243 Queen Anne Road, Map 58, Parcel N4-3, in the I-L zoning district

Mrs. Greenhalgh explained they are seeking a withdrawal without prejudice.

Ms. Maslowski made the motion to allow withdrawal without prejudice under the request of waiver for site plan review, seconded by Mr. Harris, unanimously so voted (7-0-0).

MEETING MINUTES: Mr. Chadwick made the motion to approve the minutes from July 14, 2020 and July 28, 2020, seconded by Mr. Berry, unanimously so voted (7-0-0).

PB2019-29 Davenport Companies request for a full covenant release in exchange for a cash surety – Celebration Way

Mrs. Greenhalgh explained that the applicant has requested a complete release of covenant for the Celebration Way subdivision off Headwaters Drive. The request was made on July 6, 2020. The Board has 45 days to act on this request (August 20, 2020). The Town Engineer has reviewed the request and the Board received a copy of his report. The recommended amount for the cash surety is \$361,462.50. A draft copy of the release is also attached in the amount of \$361,463.00. A check in the amount of \$361,463, should be delivered to the Planning Department prior to noon on August 11, 2020. In the event the cash surety is not received, Planning Staff recommend that the Board approve the release of covenant in exchange for the cash surety and we will hold the signed release until such time as cash surety has been received. The signed covenant release shall not be relinquished to the applicant until the cash surety has been deposited with the Town. Recommended Motions: Move to approve and sign the full covenant release and the performance cash surety for case PB2019-29 Davenport Companies for the Celebration Way subdivision, said covenant release is in exchange for a performance cash surety in the amount of \$361,463, to be held in an interest bearing account with the Harwich Town Treasurer.

From Town Engineer, Griffin Ryder: Conducted a review of the cost estimates provided by the Davenport Companies from Barrows Excavating (Barrows) and GFM Enterprises, Inc. (GFM) for the construction of the approved Celebration Way subdivision roadway. The cost estimate provided by Barrows is incomplete as paving didn't appear to be included. Therefore, the cost estimate provided by GFM has been utilized to determine the cost of the roadway construction work. The cost estimate from GFM did not include an estimated fee for setting the concrete bounds or developing a final as-built plan. The engineer and surveyor of record for the subdivision design, Ryder & Wilcox, Inc., has provided a supplemental cost estimate for setting the bounds and the final as-built plan. The final cost estimate includes the following: • Erosion Control \$ 2,425.00 • Site Clearing, Grubbing, & Tree Removal \$ 8,425.00 • Excavation \$13,975.00 • Water Utilities \$52,500.00 • Storm Drainage Utilities \$59,725.00 • Asphalt Prep/Paving \$79,050.00 • Finish Grade/Loam/Seed \$ 5,350.00 • Miscellaneous (retaining wall) \$12,025.00 • Setting concrete bounds and As-Built Plan \$ 7,500.00 • Total Cost Estimate \$240,975.00 • Total Cost Estimate @ 150% \$361,462.50 The total cost to construct Celebration Way is \$240,975.00. Using the 150% cost contingency calculation the total value to be provided by the proponent should be \$361,462.50.

Ms. Maslowski asked if the check was received yet. Mrs. Greenhalgh explained not yet, but they are in the process of purchasing the property. They asked for the final document to wait, but that will not impact the vote. They will asked Board Members to come in to sign when the documents are ready for signatures.

Ms. Maslowski made the motion to approve and sign the full covenant release and the performance cash surety for case PB2019-29 Davenport Companies for the Celebration Way subdivision, said covenant release is in exchange for a performance cash surety in the amount of \$361,463, to be held in an interest bearing account with the Harwich Town Treasurer, seconded by Mr. Chadwick, unanimously so voted (6-0-0). (Mr. Rouse was not eligible to vote on this matter as an alternate members.)

Continued Discussion on West Harwich Special District Zoning Amendments

Mrs. Greenhalgh explained that Sarah Korjeff and Chloe Schaffer are both on the call. Last time they met they were anticipating a community workshop to be held on August 4. The workshop went well, got positive feedback from public. The workshop is available on YouTube and Channel18 for anyone who would like to watch. A couple changes were made as a result of this workshop, and many positive and constructive comments were received. The document dated August 5, 2020 is based on conversations and comments received by noon on August 5, 2020. Since then there were a few comments worth mentioning. A 20' setback would be more appropriate here, and provide better buffers compared to 10'. Driveway access would still be applicable. Additionally, the maximum footprint was reduced to 3,000 square feet. Many email conversations were held between her and Sally Urbano, and they both felt that 4,000 square feet was still too big. Ms. Korjeff stated that she supports the change to 3,000.

Mrs. Greenhalgh stated that this will still be on selectmen's agenda Monday night. Board of Selectmen are the sponsor of this article. A memo and outline will be provided. Will be finalized tomorrow to be placed in the selectmen's packet.

Ms. Maslowski asked about Bishops Terrace. Is that footprint larger than 3,000 square feet? That would be a concern of hers. Mrs. Greenhalgh stated that it would be protected by the by-law because it is pre-existing, and zoning anyway. It would also be considered a necessary renovation.

Ms. Korjeff said that to maintain and reuse historic properties is a major goal. Building new there are restrictions, but adding on to existing structures is not. Renovate and reuse is allowed.

A lengthy discussion ensued. Board members asked questions all that were answered by either Mrs. Greenhalgh or Ms. Korjeff. Ms. Maslowski brought up concerns on the definition of demolition. Mrs. Greenhalgh stated she will include clarification in the document.

Mr. Chadwick asked questions on the incentive and the intent of the bylaw.

Ms. Korjeff said the incentives are allowing a simpler review process for historic properties added on to, and the second is specifically in dimensional requirements where it states for historic properties the planning board has flexibility on dimensional requirements.

A lengthy discussion ensued.

Sally Urbano asked for clarification about the sideline setbacks. Mrs. Greenhalgh stated it would be 20', and are consistent with the setbacks now. Ms. Urbano and Gail McAleer thanked Mrs. Greenhalgh, Ms. Korjeff, and the Board. Ralph Diamond asked when the latest list of historical houses was compiled. Ms. Maslowski said it was done in 2015 and put in use likely 2016. Mrs. Greenhalgh stated that sounded correct.

Mr. Berry made the motion to support the efforts of the Town Planner and the Cape Cod Commission staff on the West Harwich Special District bylaw and to support the regulation document, seconded by Mr. Harris, unanimously so voted (7-0-0)

BOARD REORGANIZATION & ELECTION OF OFFICERS:

Vice-Chairman Peterson nominated Mr. Berry as Chairman, seconded by Mr. Harris, unanimously so voted via roll call (7-0-0).

Ms. Maslowski nominated Mr. Peterson as Vice-Chairman, seconded by Mr. Berry, unanimously so voted via roll call (7-0-0).

Ms. Berry made the motion to adjourn at 7:58 PM, seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

Respectfully Submitted,
Kathleen A. Tenaglia, Board Secretary

Adopted: August 25, 2020