

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
THURSDAY DECEMBER 17, 2020 – 6:30 PM
MEETING MINUTES**

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

BOARD MEMBERS ABSENT: William Stoltz; and Mary Maslowski.

OTHERS PRESENT: Charleen Greenhalgh; Katie O'Neill; Jeanne Mongillo; John Wheeler; William Crowell; Alex Bardin; Ben Zehnder; Dale Nikula; Doug Grant; Susan Ladue.

CALL TO ORDER - 6:37 PM by Chairman Berry 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.

PB2020-26 The Royal Apartments LLC, 328 Bank Street, Special Permits for Multifamily Use and Site Plan Review

Chairman Berry re-opened the hearing at 6:40 PM. The Royal Apartments LLC, as owner, Benjamin E. Zehnder, Esq, Representative, seeks approval of Special Permits for Multifamily Use and Site Plan Review for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.Q (approved at the 9-26-2020 Town Meeting) and 325-55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L zoning district. The hearing was continued from 11/19/20 and the applicant has requested a continuance to January 12, 2021.

Mr. McParland made the motion to continue the hearing to 1/12/2021 no earlier than 6:30 PM, seconded by Mr. Chadwick, unanimously so voted via roll call 6-0-0.

PB2020-27 NextGrid, Inc, 0 Depot Road, Site Plan Review Special Permit

Chairman Berry re-opened the hearing at 6:42 PM. NextGrid, Inc., as applicant, Brian G. Yergatian, P.E., as representative, and Steven Clark, as owner, seek approval of a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55, in conjunction with §325, Article XXIII to establish a Large Scale Photovoltaic Array at property located at 0

Depot Road, Map 64, Parcel S-1 in the R-R zoning district. The property is only accessible via Mill Hill Road, Chatham. The hearing was continued from 11/19/2020 and the applicant has requested a continuance to January 12, 2021.

Mr. Chadwick made the motion to continue the hearing to 1/12/2021 no earlier than 6:30 PM, seconded by Mr. Rouse, unanimously so voted via roll call 6-0-0.

PB2020-30 Starlight 4 LLLP, 14 Woodland Road, Use Special Permit with Waivers

Representative: William Crowell

Chairman Berry opened the hearing at 6:42 PM by reading the legal notice into the record. Starlight 4 LLLP, owners, William D. Crowell, Esq., representative, seeks approval of a Use Special Permit with waivers for a residential accessory structure with bedrooms. The application is pursuant to the Code of the Town of Harwich §§325-09 and -51. The property is located at 14 Woodland Road, Map 14, Parcel X2-2, in the R-L zoning district.

Attorney Crowell explained the proposal. His clients are a family from Colorado with a large family, who need extra bedrooms. The builder, Dale Nikula, is on the call as well. The garage is in existence. The petitioner seeks to take the existing garage space on the first floor, and convert that to habitable space. The plans show the new addition. This will basically be a carriage house with 4 bedrooms, with a two car garage. The new structure would still meet all the setback requirements, and would be well under the site and building coverage requirements. This is an appropriate site and location, and would not create a nuisance or a hazard. This would not be detrimental to the neighborhood, traffic fumes, or the like.

Mrs. Greenhalgh read departmental input and the Planners report into the record. Health: No issues or concerns with proposal as shown. Note: If the Planning Board approves the plan, then the new septic system must be installed prior to Certificate of Occupancy issuance. Fire and Police Department: No issues DPW: No concerns Engineer: Planning Staff Comments: 1. No issues or concerns with the application as submitted. 2. The following conditions are recommended: a. The accessory structure is not an accessory apartment pursuant to §325-2 Word Usage and Definitions “Dwelling, Single-family with Accessory Apartment” and shall not contain a kitchen. b. All Board of Health requirements shall be met, including that a new septic system must be installed prior to Certificate of Occupancy issuance. c. There shall be no rental or letting of these bedrooms. d. Any changes of the use or changes to the plan may be subject to further Planning Board review. e. The special permit decision shall be recorded at the Registry of Deeds

Mr. Chadwick asked for clarification on the garage, and number of parking spaces, which was answered by Dale Nikula. The garage is being transformed to a one car garage with boat storage.

Mr. McParland stated that this is the same setup that he has at his home, but with a two car garage.

Mr. Harris pointed out that site plan A0.1 is incorrect. It was clarified that the plan stamped by John O'Reilly is the correct site plan, as it is stamped.

Mr. Grant, an abutter at 26 Bayview Road, asked if there will be a driveway because the site plan does not reflect that. He asked that with 8 bedrooms there will only be one parking space?

Mr. Crowell stated that there is no parking requirement for houses.

Mr. McParland stated that there is room in front of the garage to park at least two cars.

Mr. Grant stated that he doesn't have any issues, but the plans do not reflect what they are saying they propose.

It was again clarified that the Site Plan submitted by J.M. O'Reilly is the correct stamped plan.

Mr. Grant had questions on the construction time line. It was replied that most will be done by summer.

Mr. Chadwick made the motion to close the public hearing at 6:59 pm, seconded by Vice-Chairman Peterson unanimously so voted via roll call. Mr. McParland was briefly dropped from the call, but got back on within a few minutes.

Vice-Chairman Peterson made the motion to waive any and all commercial or residential requirements of the Bylaw that are not applicable to this Petition, seconded by Mr. Harris, unanimously so voted via roll call (5-0-0, Mr. McParland lost connection so did not vote).

Vice-Chairman Peterson made the motion to adopt the following findings of fact: 1. The property is located within the R-L Zoning District. 2. The use is consistent with the Zoning Code and will not adversely affect the neighborhood. 3. The site is an appropriate location for such use. 4. The accessory structure shall not contain a stove and therefore is not a kitchen and is not an accessory apartment as defined in §325-2 Word Usage and Definitions "Dwelling, Single-family with Accessory Apartment". 5. The proposed parking area will provide sufficient off street parking which meets the minimum requirements of Town Code and as such, there will be no nuisance or serious hazard to vehicles or pedestrians. Seconded by Mr. Harris, unanimously so voted via roll call. (5-0-0, Mr. McParland lost connection so did not vote).

Vice-Chairman Peterson made the motion to approve with conditions and waivers the Use Special Permit for PB2020-30 Starlight 4 LLLP, for a residential accessory structure with two (2) additional bedrooms, pursuant to the Code of the Town of Harwich §§325-09 and -51 for property located at 14 Woodland Road, Map 14, Parcel X2-2, in the R-L 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 following conditions: 1. The accessory structure is not an Accessory Apartment pursuant to §325-2 Word Usage and Definitions "Dwelling, Single-family with Accessory Apartment" and shall not contain a kitchen. 2. All Board of Health requirements shall be met, including that a new septic system must be installed prior to Certificate of Occupancy issuance. 3. There shall be no rental or letting of these bedrooms. 4. Any changes of the use or changes to the plan may be subject to further Planning Board review. 5. The special permit decision shall be recorded at the Registry of

Deeds. Seconded by Mr. Harris, unanimously so voted via roll call (6-0-0, Mr. McParland reconnected).

PB2020-31 711 Main Street LLC, 711 Main Street, Modify Site Plan Review

Chairman Berry opened the hearing at 7:05 PM by reading the legal notice into the record. 711 Main Street LLC, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 to reduce the number of existing parking spaces by one (1) to accommodate the installation of an enclosed mechanical energy appliance (generator) at the rear of the building. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay zoning districts. The applicant has requested a continuance to 1/12/2021.

Mr. McParland made the motion to continue the hearing to 1/12/2021 no earlier than 6:30 PM, seconded by Vice-Chairman Peterson, unanimously so voted via roll call 6-0-0.

MINUTES: December 1, 2020

Vice-Chairman Peterson made the motion to approve the minutes as written, seconded by Mr. McParland, so voted via roll call 5-0-1 with Mr. Harris abstaining.

PB2018-13 & PB2020-12 Eastward MBT LLC - Request for Town Snow Plowing Bascom Hollow

Susan Ladue presented the request to add Bascom Hollow to the plow list. Last year the Planning Board released all the lots from the covenant. The Board is holding a security bond in the amount of \$13,598 for the completion of the sidewalk and final as-built drawings. They are installing sections of the sidewalk as they build houses on each lot and complete the associated site work. The road construction has been complete for the last year and the road is in excellent condition. Therefore, there are no issues with the road surface. Three homes on Bascom Hollow have been completed and are occupied by year round residents. Two new homes are currently under construction. Construction vehicles, delivery trucks, and residents are regularly using the street. They would like to have this street be added to the snow plow list.

Mrs. Greenhalgh reported that she and the Town Engineering, Griffin Ryder reviewed and discussed this request. At this time, and based on §400-14.R of the Subdivision Rules and Regulations, they cannot support this request. §400-14.R states that: “Roadway maintenance. If released from restrictions with regard to sale of lots or buildings on lots by the posting of a performance bond or other security, the applicant shall maintain the roadway for vehicular traffic in a manner satisfactory to the Board.” All lots have been released from covenant; however there is now a cash surety in place.

Mr. Chadwick asked how many lots still needed sidewalks, which was answered by Ms. Ladue. There are currently four lots without sidewalks.

Mr. Chadwick made the motion to deny the request based on the rules and regulations stated in §400-14.R as spelled out by the Town Planner, seconded by Mr. McParland, unanimously so

voted via roll call (5-0-0). Mr. Rouse was not eligible to vote on a subdivision matter as an alternate.

2020 ANNUAL REPORT

Mrs. Greenhalgh stated that this will be what is presented in the Annual Town Report, and in annual meeting with the Board of Selectmen. This will be further discussed at the next meeting.

WEST HARWICH DCPC - Continued discussion on Design Guidelines

Chairman Berry summarized the process to this point. There have been three meetings with the Cape Cod Commission, where they have discussed design guidelines for the Special District. The Commission is working to help develop visuals. The goal is to have a very compact, compressed, set of guidelines.

BRIEFINGS AND REPORTS BY BOARD MEMBERS:

The Town Planner's open position was discussed.

ADJOURNMENT:

Vice-Chairman Peterson made the motion to adjourn at 7:23 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. O'Neill

Adopted: January 13, 2021