

**HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
THURSDAY JULY 14, 2020 – 6:30 PM
MEETING MINUTES**

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

BOARD MEMBERS ABSENT: Vice-Chairman, Allan Peterson.

OTHERS PRESENT: Charleen Greenhalgh; Thadd Eldredge; Chloe Schaeffer; Sarah Korjeff.

CALL TO ORDER - 6:30 PM by Chairman McParland 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., Use Special Permit, 0 Old Campground Road

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

Chairman McParland re-opened the hearing by reading the legal notice into the record. 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 continuance to 8/11/20.

Ms. Maslowski moved to continue the public hearing to Tuesday, August 11, 2020 not earlier than 6:30 pm, seconded by Mr. Chadwick, so voted unanimously by rollcall vote 7-0-0.

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

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

Chairman McParland re-opened the hearing by reading the legal notice into the record. 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 continuance to 8/11/20.

Mr. Berry moved to continue the public hearing to Tuesday, August 11, 2020 not earlier than 6:30 pm, seconded by Mr. Chadwick, so voted unanimously by rollcall vote 7-0-0.

PB2020-19 Bryan Murphy, Approval Not Required, 0 Kendrick Road

Representative: Thadd Eldredge, PLS

Applicant seeks endorsement of a two (2) lot ANR entitled “Division Plan off Blue Heron Landing”, dated April 1, 2020, revised 05-20-2020 prepared by J. Thaddeus Eldredge, PLS for property located at 0 Kendrick Road, Map 108, Parcel P3. The parcels are in the R-R zoning district.

Mr. Eldredge explained that the ANR was originally supported by the Board, but they are proposing slight changes.

Mrs. Greenhalgh presented departmental input and the planners report into the record. 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. This appears to be a simple land swap between this parcel and an abutting parcel, which contain sufficient frontage per Note 4 on the plan. Police and Fire: No comments Conservation: Parcel will have some portion in Conservation jurisdiction-we don’t have issue with property lines, but may need approval if development occurs. Health: If the lots are ever developed, compliant Title 5 septic systems must be installed. No variances from state or local requirements will be granted.

Ms. Maslowski made the motion that said the plan does not constitute a subdivision as the way shown on the plan is a public way maintained and used as a public way 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, seconded by Mr. Chadwick, unanimously so voted by rollcall vote 6-0-0 (Mr. Rouse was ineligible to vote).

Ms. Maslowski made the motion to endorse the ANR plan entitled “Division Plan off Blue Heron Landing”, dated April 1, 2020, Revised 05-20-2020, prepared by J. Thaddeus Eldredge, PLS., seconded by Mr. Chadwick, unanimously so voted by rollcall vote 6-0-0 (Mr. Rouse was ineligible to vote).

PRELIMINARY DISCUSSION: Draft West Harwich District of Critical Planning Concern zoning amendments

Mrs. Greenhalgh explained that the Board of Selectmen nominated the West Harwich corridor of Route 28 from the Dennisport Town Line east to the Herring River as a District of Critical Planning Concern (“DCPC”). The Barnstable County Commissioners approved the nomination and it became a County Ordinance (19-18) on December 4, 2019. The Town has 1 year to implement bylaws. Originally the Selectmen agreed to provide adequate time for the drafting and vetting of the necessary bylaws and that there would likely be a special town meeting in the fall 2020 to take these up; however, with the COVID-19 Emergency the annual town meeting was postponed, pushing everything to the fall.

In the Board's packet was a July 7, 2020 version of a working draft document for discussion purposes only. This was also sent out to those who have signed up to receive emails regarding the West Harwich DCPC. Mrs. Greenhalgh began the discussion by stating that Chloe Schaeffer and Sarah Korjeff, from the Cape Cod Commission were on the call. They proceeded presented their input and a lengthy discussion ensued. The draft document contains:

§325-144 Statutory Authority and Purpose

§325-145 Intent

§325-145 Applicability

§325-146 Definitions

§325-147 Permitted Uses

§325-148 Special Permit Uses

§325-149 Prohibited Uses

§325-150 Continuation of Pre-Existing Non-Conforming Uses

§325-151 Change, Alteration, Expansion of Pre-Existing Non-Conforming Uses

§325-153 Design Guidelines

§325-154 Review Standards

§325-1XX Review Procedures – (Note: this section needs more thought)

Mr. Berry praised the draft, and all the hard work that went into the document.

A lengthy discussion ensued.

Mr. Chadwick asked for information on the process and procedure, and raised concerns with the timeframe. Mrs. Greenhalgh responded that there is a provision allowing a six month extension. The town may not have to put the whole bylaw together now, but would need a portion of the DCPC in place before the December deadline.

Ms. Korjeff confirmed that the DCPC process has provisions allowing a six month extension, but that does not need to be discussed tonight.

A lengthy discussion ensued.

Mr. Harris again raised the question of time frame, and getting all the information to the public. Mrs. Greenhalgh stated that a video providing the public with the details of the draft special district bylaw could be made to get the information out to the public. If members of the board have questions relating to the working draft they should send them to her and they should keep moving forward with the draft.

ZONING BOARD OF APPEALS: Advisory Opinions for July 29, 2020 hearings- None.

MEETING MINUTES: Ms. Maslowski made the motion to accept the minutes from June 25, 2020 meeting, seconded by Mr. Berry, unanimously so voted via roll call.

A brief recess was requested by Chairman McParland.

OLD BUSINESS: Continued discussion on draft amendment to Multi-family Dwelling related Bylaws

When the meeting resumed, Mrs. Greenhalgh stated that she prepared a draft as requested, and the Board has already initialialed reviewed the changes.

A lengthy discussion ensued.

The board ultimately requested that a revised draft be presented at the next meeting.

BRIEFINGS AND REPORTS BY BOARD MEMBERS:

Mr. Chadwick gave praise to Mrs. Greenhalgh and staff on the procedure for signature.

ADJOURNMENT:

Ms. Maslowski made the motion to adjourn at 7:47 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. Tenaglia, Board Secretary

Adopted: August 11, 2020