

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

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

OTHERS PRESENT: Charleen Greenhalgh; Paul Sweetser; Susan Ladue; Sara Korjeff; and others.

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.

Ms. Maslowski recused herself from the next hearing.

PB2020-02 Steve Gopoyan & Swavi Osev, 346 Route 28 & 0 Sisson Road, Use Special Permit

Chairman McParland opened the hearing by reading the legal notice into the record. Emulous E Hall, et als., as owners, seeks 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 3/10/2020 & 6/9/2020. Applicant requests a continuance to August 25, 2020.

Mr. Chadwick made the motion to continue the hearing to August 25, 2020 no earlier than 6:30, seconded by Mr. Harris, unanimously so voted via roll call 7-0-0.

Ms. Maslowski returned to the meeting.

PB2020-21 Herbert Bell, 812 & 814 Route 28, Approval Not Required
Representative: Paul Sweetser, P.L.S.

Chairman McParland opened the hearing by reading the legal notice into the record. Gloria Green, TR and Valerie G. and Herbert G. Bell, owners. The applicant seek endorsement of an Approval Not Required plan to reconfigure the two lots pursuant to M.G.L. c. §81 P and §400-9 of the Code of the Town of Harwich. The plan is entitled “Plan of Land in Harwich Port, MA” dated June 30, 2020, for property located at 812 and 814 Route 28, Map 24, Parcels T3 and T3-1 respectively. The parcels are in the R-R & C-H-1 zoning districts.

Paul Sweetser began the hearing by explaining the proposed ANR plan. He explained that the properties still both meet the 150’ of frontage.

Mrs. Greenhalgh read the staff report and departmental input 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. Planning: This is a simple land swap. The lots sizes remain the same and each lot will now have frontage on either Route 28 or Willow Street. Health and Engineering: No comments

Mr. Chadwick asked for clarification on the lot frontage, which was answered by the Town Planner.

Ms. Maslowski made the motion 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 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 David Harris, unanimously so voted via roll call.

Ms. Maslowski made the motion to endorse the ANR plan entitled “Plan of Land in Harwich Port, MA” dated June 30, 2020, scale 1” = 40’, prepared by Paul E. Sweetser, for property located at 812 and 814 Route 28, Map 24, Parcels T3 and T3-1 respectively and in the R-R & C-H-1 zoning districts, seconded by Mr. Chadwick, unanimously so voted via roll call.

PB2020-12 Eastward Home Business Trust, Endorsement of Modification Plan

Represented: Susan Ladue

Mrs. Greenhalgh stated that the 20-day appeal period is over and no one has appealed the plan. Ms. Ladue explained that the plan was approved by the Board on May 12, the appeal period has expired, and they are looking for endorsement.

Ms. Maslowski made the motion to endorse the Modification Plan for PB2020-12 Eastward Home Business Trust, seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

PB2018-13 & PB2020-12 Eastward Home Business Trust complete release of covenant in exchange for a cash surety.

Represented: Susan Ladue

Ms. Ladue explained that they are looking for a complete release of covenant. They are requesting that the sidewalks be finished at the time of construction, and are willing to provide funds for surety.

Mrs. Greenhalgh explained that she and the Town Engineer have reviewed the proposal, and calculated the total contingency calculation to be valued at \$13,597.50, rounding up to \$13,598.

Chairman McParland made the motion to approve and sign the full covenant release for cases PB2018-13 & PB2020-12 Eastward Home Business Trust for the Bascom Hollow subdivision and modification plans in exchange for a performance cash surety in the amount of \$13,598, to be held in an interest bearing account with the Harwich Town Treasurer. The signed covenant release shall not be relinquished to the applicant until the Modification Plan and Decision for Case PB2020-12 are recorded at the Barnstable County Registry of Deeds and said recording documentation is submitted to the Planning Office, seconded by Mr. Berry, unanimously so voted via roll call (7-0-0)

DISCUSSION ON WEST HARWICH SPECIAL DISTRICT ZONING AMENDMENTS AND POSSIBLE SPECIAL WORKING MEETING

Mrs. Greenhalgh and Cape Cod Commission (“CCC”) Staff had a video conference on July 27th and there was a constructive discussion and the staff provided a number of comments and discussion points that she has incorporated into a working draft dated July 28, 2020. This was sent out to the Board members and an email list of folks interested in the West Harwich DCPC. She and CCC Staff are also planning a public workshop via remote participation on August 4, 2020.

A very lengthy discussion ensued regarding the timeline, town meeting, and specifics about the document. Sara Korjeff offered up guidance and clarification.

Mrs. Greenhalgh stated that the next draft will be ready after the August 4th meeting, and it will incorporate the comments and requested changes.

The Board ultimately decided to follow up on the topic at a later date, once the next draft is available.

DISCUSSION AND POSSIBLE VOTE ON REFERRAL OF AMENDMENTS RELATED TO MULTI-FAMILY DWELLING ZONING BY LAWS TO THE BOARD OF SELECTMEN

Mrs. Greenhalgh stated that the amendment is presented in their packets. Many comments were received from Board members. She explained the documents provided, and presented the changes. The complete document was read through and explained.

A lengthy discussion ensued. The Board made several changes to the amendment, including that 3.5 stories will be the maximum, not 3.

Mr. Chadwick made the motion to refer the Multi-Family dwelling zoning bylaw amendment to the Board of Selectmen to start the public hearing process, seconded by Vice-Chairman Peterson. All members voted positively, with the exception of Mr. Stoltz, who voted in opposition.

BOARD REORGANIZATION & ELECTION OF OFFICERS:

Chairman McParland continued this topic to August 11, 2020.

BRIEFINGS AND REPORTS BY BOARD MEMBERS: None.

ADJOURNMENT:

Ms. Maslowski made the motion to adjourn, seconded by Mr. Chadwick, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. Tenaglia, Board Secretary

Adopted: August 11, 2020