

**HARWICH PLANNING BOARD  
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH  
VIA REMOTE PARTICIPATION GoToMeeting.com  
TUESDAY, MAY 12, 2020 – 6:30 PM  
MEETING MINUTES**

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

**BOARD MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Katie Tenaglia; Susan Ladue; William Marsh; Ben Zehnder; David Reid; and Chris Murphy.

**CALL TO ORDER** - 6:36 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.

**PB2019-45 Royal Apartments LLC, 328 Bank Street, Multi-Family Use Special Permit**  
*Representative:* Attorney Ben Zehnder

Chairman McParland opened the public hearing at 6:39 PM. Applicant seeks approval of a Multi-Family Use Special Permits in the Harwich Center Overlay District and a Site Plan Review Special Permit for the proposed use and additional parking and other appurtenances pursuant to the Code of the Town of Harwich §§325-51.D and -51.O and 325- 55. The property is located at 328 Bank Street, Map 41, Parcel N4 in the M-R-L, Harwich Center Overlay and Historic Districts. Continued from April 14, 2020. Please note: the applicant has requested that the applicant be withdrawal without prejudice.

Ben Zehnder requested that the application be withdrawn without prejudice.

Mr. Chadwick made the motion to close the public hearing, seconded by Chairman McParland, unanimously so voted via roll call (8-0-0).

Mr. Chadwick made the motion to allow the withdrawal of PB2019-45 without prejudice as requested by the applicant, seconded by Mr. Harris, unanimously so voted via roll call (8-0-0).

Mr. Zehnder also requested that a new application fee be waived for a future filing.

Ms. Maslowski made the motion that in the event the applicant reapplies for site plan review or special permit within 365 days, the Planning Board wave the application fee, seconded by Mr. Berry, unanimously so voted via roll call.

**PB2020-12 Eastward Home Business Trust, Bascom Hollow, Modification of a Definitive Subdivision Plan**

***Representatives:*** Susan Ladue and William Marsh

Chairman McParland opened the public hearing at 6:46 PM by reading the legal notice into the record. Eastward MBT, LLC, Trustee, c/o Eastward Companies, seeks approval of a Modification of a Definitive Subdivision Plan pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts. The modification is relative to the Board of Health conditions only.

It was noted that Alternate Member Rouse was not eligible to vote on the Modification.

Ms. Ladue and Bill Marsh presented the modification of Bascom Hollow subdivision. The Board of Health approved the release already with conditions. They are asking for the additional lot release with the Board of Health condition.

Mrs. Greenhalgh read departmental input and the Town Planners report into the record. Health: Due to the funding shortages, this phase of CWMP will not be completed per the original schedule. The revised Environmental Impact Review proposes individual conventional Title 5 systems on the remaining 4 Lots. After considerable review and discussion, it was decision of the Board to approve the proposal with the following order of conditions: 1. Allow the newly released properties to have conventional systems on their own lots and that if funding to complete this section of municipal sewer is not approved at a 2020 special fall town meeting, that Innovative/Alternative technology will be added to the systems. Planning Staff Comments 1. The original plan and decision restricted the number of lots that could be developed to four (4) lots. The Board of Health has now changed that conditions to allow for all the lots to be built on with proper septic systems. A note on the modification plan has been added to indicate this change. 2. The original condition imposed by the Board of Health restricting development to only four (4) of the lots is still noted on the plan; this should be deleted or crossed out, based on the new condition imposed. 3. Currently Lots 3, 5, 6 and 7 have been released for building purposes. Lot one was released for the community septic system (which will not be taking place based on the new condition imposed by the Board of Health.) 4. There is no need for a new covenant, as the existing covenant is adequate.

Mr. Chadwick asked several questions on Innovative/Alternative technology, all which were all answered.

Mr. Harris made the motion to close the public hearing at 6:57 PM, seconded by Mr. Stoltz, unanimously so voted via roll call (7-0-0).

The Board members reviewed the criteria for granting a Definitive Subdivision and following a motion by Ms. Maslowski and seconded by Mr. Chadwick, the Board voted unanimously (7-0-0) by rollcall vote to adopt the following findings of fact:

1. There are no changes proposed other than the number of parcels that can be developed.
2. The modification does not change the fact that this is a division of land for single-family homes is a permitted use or two-family by special permit, in the underlying RR and the Water Resources district.
3. Board of Health requirements will be met.

On a motion from Ms. Maslowski, seconded by Mr. Harris, the Board voted unanimously (7-0-0) by rollcall vote to approve with conditions PB2020-12 Eastward Home Business Trust, Eastward MBT, LLC, Trustee, c/o Eastward Companies, a Modification of a Definitive Subdivision Plan (PB2018-13) pursuant to M.G.L. c.41 §81K-GG, and §400 of the Code of Town of Harwich for the subdivision known as Bascom Hollow Assessors Map 97, Barnstable County Registry of Deeds Plan Book 675, Page 71. The property is within R-R and the W-R overlay districts. The following conditions are imposed and required to be submitted prior to endorsement of the plan:

1. The existing covenant recorded at the Barnstable County Registry of Deeds, Book 31370, Page 49 shall run with this Modification Plan.
2. This decision shall comply with the conditions imposed by the Harwich Board of Health dated March 26, 2020 and recorded at the Barnstable County Registry of Deeds, Book 32798, Page 113.

**NEW BUSINESS:** None

**MEETING MINUTES:** April 28, 2020

Vice-Chairman Peterson made the motion to approve the minutes from April 28 2020 as written, seconded by Mr. Berry, unanimously so voted (8-0-0).

**OLD BUSINESS:** Brief discussion on draft amendment to Multi-family Dwelling related Bylaws. Mrs. Greenhalgh explained that the Board discussed the need for amendments to multi-family after the 2019 Town Meeting. This is a draft for the Board to discuss in the near future.

**BRIEFINGS AND REPORTS BY BOARD MEMBERS:**

Mrs. Greenhalgh stated that the next meeting is May 28<sup>th</sup>, and she will not be at the meeting.

**ADJOURNMENT:**

Mr. Chadwick made the motion to adjourn at 7:13 PM, seconded by Mr. Berry, unanimously so voted via roll call (8-0-0).

Respectfully Submitted,  
Kathleen A. Tenaglia, Board Secretary

Adopted: May 28, 2020