

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

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

BOARD MEMBERS ABSENT: David Harris.

OTHERS PRESENT: Amy Usowski; Katie Tenaglia; Philip Scholomiti; William Crowell; David Treworgy; Mary Alice Treworgy; James Knickman; Sara Osborn; James Knickman; and Jim Gunn.

CALL TO ORDER - 6:30 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.

PB2020-11 Gerald E. Burke, 22 Sunrise Road, Use Special Permit with Waivers

Representative: William Crowell, Esq.

Chairman McParland reopened the hearing at 6:32 PM by reading the legal notice into the record. Applicant seek approval of a Use Special Permit, with waivers, pursuant to the Code of the Town Harwich §325-13, Table 1 - Use Regulations and §325-14.Q - to alter the upper level of detached residential accessory garage/stable into an accessory structure with a bedroom. The property is located at 22 Sunrise Road, Map 26, Parcel E2-3, in the R-M and W-R Zoning Districts. Continued from April 28, 2020.

The hearing began with attorney Crowell explaining that this is a detached structure with bedroom. The garage has been there since 1992. No footprint changes are proposed. An interior renovation is proposed. This will not be a rentable unit. He addressed earlier concerns.

Ms. Usowski read departmental input and the Town Planners report into the record.

Conservation: The majority of the lot is in Conservation Department jurisdiction due to the top of bank and riverfront setback. The existing garage, shed, walls and any other site modifications never received Conservation Commission approval. We cannot approve modification of any of these structures as they were not approved in the first place. An after-the-fact filing must be done with the Conservation Commission for these structures. If the Commission approves the filing, then modification of the interior or change of use of the building would not be an issue with this department. Health Department: Although this property is located within a Zone II, a five bedroom septic system was approved and installed in 2017. The proposed apartment could be

approved by the health department if certain septic system requirements are met. Either a two compartment tank, or two septic tanks in series are required. Additionally, the repairs identified in the recent title 5 inspection must be made. The property is limited to five bedrooms maximum. Planning Staff Comments: 1. The applicant's representative was notified March 24, 2020, via email that the application as submitted was incomplete. The revised plan submitted xx addresses the comments/concerns raised by Planning. 2. The comments from Conservation should not impede on the Planning Boards ability to render a decision. 3. Standard conditions are recommended, along with a condition that restricts the rental/letting of this space.

Mr. Crowell stated that his client just bought the property in the past year or two, he is not responsible for the existing structure.

Mr. Chadwick clarified that this is not an application for an accessory apartment. It does not have a full kitchen, and therefore cannot be rented. It was responded that that is correct.

Ms. Maslowski made the motion to close the public hearing at 6:41 PM, seconded by Mr. Peterson, unanimously so voted.

On a motion from Ms. Maslowski and seconded by Mr. Stoltz, the Planning Board voted unanimously (7-0-0) by roll call vote to approve waivers of any and all commercial or residential requirements of the Bylaw that are not applicable to this Petition.

On a motion from Ms. Maslowski and seconded by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) by roll call vote to adopt the following findings:

1. The property is located within the R-M 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 will 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.

On a motion from Ms. Maslowski and seconded by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) by roll call vote to approve with conditions the Use Special Permit and waivers for PB2020-11 Gerald E. Burke, pursuant to the Code of the Town Harwich §325-13, Table 1 - Use Regulations and §325-14.Q - to alter the upper level of detached residential accessory garage/stable into an accessory structure with a bedroom for property located at 22 Sunrise Road, Map 26, Parcel E2-3, in the R-M and W-R Zoning Districts. 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 and Conservation Commissioner requirements shall be met.
3. There shall be no rental or letting of this bedroom space.

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.

April 14, 2020 on proposed Amendment to the Harwich Zoning Codes:

At 6:47 PM, Chairman McParland made the motion to re-open the zoning code hearing by reading the legal notice into the record.

Article ____: To amend the Code of the Town of Harwich, §325-4 and Attachment 4 – The Zoning Map, by extending the Industrial (I-L) Zoning District westerly along Queen Anne Road and the existing I-L zoning district as shown on the amended Zoning Map, dated January 23, 2020, a copy of which is on file in the Town Clerk’s

It was noted that the Planning Board Chairman has determined that at this time the Board will not be moving forward with this proposed zoning amendment article. The hearing will be reopened and immediately closed, with no testimony taken. The Board will take no action on this proposed amendment.

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

Note: Mr. Rouse, as an alternate member is not eligible to vote on the ANR applications.

PB2020-15 David Treworgy, 6 & 12 Village Green, Approval Not Required

Representative: David Treworgy

Applicant seeks endorsement of a two (2) lot ANR plan entitled “Plan of Land in Harwich, MA, prepared for E. James Gunn, Janet E. Gunn, Sara Osborn, David Treworgy” dated January 20, 2020, prepared by Terry A. Warner, PLS for property located at #6 and #12 Village Green, Map 13, Parcels L1-6 and L1-7, respectively. The parcels are in the R-M zoning districts.

Ms. Usowski read departmental input and the Town Planners report into the record. Planning: 1. This appears to be a simple land swap between #6 and #12 Village Green. 2. Both lots will retain the required frontage of 150 feet. 3. Most important, if the Board does vote to endorse this plan, it is unclear as to when that will be able to occur. Town Hall is currently closed with limited access for specific employees only. Endorsement will have to wait until after the declared emergency is over. Conservation, Police and Fire: No comments Health: No issues or concerns with moving the lot line provided that the setbacks are all still maintained.

On a motion from Ms. Maslowski, seconded by Mr. Stoltz, the Board voted unanimously via roll call vote (6-0-0) to find 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 in the town 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.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously via roll call vote (6-0-0) to endorse the ANR plan entitled Plan of Land in Harwich, MA, prepared for E. James Gunn, Janet E. Gunn, Sara Osborn, David Treworgy” dated January 20, 2020, prepared by Terry A. Warner, PLS for property located at #6 and #12 Village Green, Map 13, Parcels L1-6 and L1-7.

PB2020-16 Bryan Murphy, 0 Kendrick Road, Approval Not Required

Representative: Edward Hayes

Applicant seeks endorsement of a two (2) lot ANR entitled “Division Plan off Blue Heron Landing”, dated April 1, 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

Ms. Usowski read departmental input and the Town Planners report into the record. Planning: 1. This appears to be a simple land swap between this parcel and two abutting parcels, which contain sufficient frontage per Note 4 on the plan. 2. Most important, if the Board does vote to endorse this plan, it is unclear as to when that will be able to occur. Town Hall is currently closed with limited access for specific employees only. Endorsement will have to wait until after the declared emergency is over. Police and Fire: No comments Conservation: Both parcels will have a portion in Conservation jurisdiction. The department has no issue with the division of the property, but when developed it may be subject to Conservation review. All future construction must be 60’ away from the edge of wetland and any work within 100’ will require mitigation which can be difficult on undisturbed lots. Health: No issues or concerns. If the lots are ever further developed no variances from Title 5 or local requirements will be granted.

On a motion from Ms. Maslowski, seconded by Mr. Berry, the Board voted unanimously via roll call vote (6-0-0) to find 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 in the town 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.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously via roll call vote (6-0-0) to endorse the ANR plan entitled “Division Plan off Blue Heron Landing”, dated April 1, 2020, prepared by J. Thaddeus Eldredge, PLS. for property located at 0 Kendrick Road, Map 108, Parcel P3.

PB2020-17 James R. Knickman, 0 Deep Hole Road, Approval Not Required

Representatives: William Crowell and Phillip O. Scholomiti

Applicant seeks endorsement of a two (2) lot ANR entitled “Plan of Land in Harwich, MA, showing a division of Lots B-1, C and 2, L.C.P 10688-B”, scale 1”=40’, dated March 6, 2020, prepared by Ryder & Wilcox, Inc., for property located at 0 Deep Hole Road, Map 16, Parcels M1-C and M1-B1. The parcels are in the R-M zoning districts.

Mr. Crowell and Mr. Scholomiti started the meeting off by explaining the petition. Both lots have frontage on Deep Hole Road, which is a public way. The way the Town Planner advised the

engineer to proceed was to have the ANR plan approved, and then subsequently file a special permit for access over something other than the frontage, coming up from the South.

Mr. Chadwick asked about entrance and egress location that was answered by Mr. Scholomiti and Mr. Crowell.

Ms. Usowski read departmental input and the Town Planners report into the record. Planning: 1. Each lot shows frontage along Deep Hole Road; however it appears that access for these parcel would need to be over something other than frontage. 2. Most important, if the Board does vote to endorse this plan, it is unclear as to when that will be able to occur. Town Hall is currently closed with limited access for specific employees only. Endorsement will have to wait until after the declared emergency is over. Police and Fire: No comments Conservation: Both parcels will have a portion in Conservation jurisdiction. The department has no issue with the division of the property, but when developed it may be subject to Conservation review. All future construction must be 60' away from the edge of wetland and any work within 100' will require mitigation which can be difficult on undisturbed lots. Health: No issues or concerns. If the lots are ever developed no variances from Title 5 or located requirements will be granted.

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously via roll call vote (6-0-0) to find 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 in the town 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.

On a motion from Ms. Maslowski, seconded by Mr. Stoltz, the Board voted unanimously via roll call vote (6-0-0) to endorse the ANR plan entitled "Plan of Land in Harwich, MA, showing a division of Lots B-1, C and 2, L.C.P 10688-B", scale 1"=40', dated March 6, 2020, prepared by Ryder & Wilcox, Inc.,

The Board Members will endorse the plan once the Emergency Order currently in effective is lifted by Governor Baker.

MEETING MINUTES: Vice-Chairman Peterson made the motion to approve the meeting minutes from May 12, 2020 as written, seconded by Ms. Maslowski, unanimously so voted via roll call (7-0-0)

OLD BUSINESS: None.

BRIEFINGS AND REPORTS BY BOARD MEMBERS: None.

ADJOURNMENT:

Ms. Maslowski made the motion to adjourn at 7:14 PM, seconded by Mr. Chadwick, unanimously so voted via roll call (7-0-0).

Respectfully Submitted, Kathleen A. Tenaglia, Board Secretary
Adopted: June 25, 2020