

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

**BOARD MEMBERS PRESENT:** Chairman, Duncan Berry; David Harris; William Stoltz; Arthur Rouse; and Craig Chadwick, were all present via remote participation. Joe McParland arrived remotely at 6:43 PM.

**BOARD MEMBERS ABSENT:** Mary Maslowski; and Vice-Chairman, Allan Peterson.

**OTHERS PRESENT:** Charleen Greenhalgh; Katie Tenaglia; Andrew Singer; David Reid; Dan Croteau; Steve Gopoyan; Karen Jensen; Elizabeth Burke; Shannon Goheen; Swavi Osev; and others.

**CALL TO ORDER** - 6:31 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.

**PB2020-24 George A. McLaughlin III, 195 Queen Anne Road, Site Plan & Use Special Permit**

Chairman Berry opened the hearing at 6:34 PM by reading the legal notice into the record. Applicant seeks approval of a Site Plan Review Special Permit and a Special Permit for structures with a gross floor area > 7,500 SF and 20 or more new parking spaces pursuant to the Code of the Town of Harwich §325-55 and §§325 9 and -51 to construct an industrial warehouse/contractor structure (7 bays, 9,000 sf). The property is located at 195 Queen Anne Road, Map 58, Parcel F1-2 in the I-L zoning district.

The applicant has requested a continuance to October 27, 2020, no testimony will be taken.

Mr. Harris made the motion to continue the public hearing for case PB2020-24 195 Queen Anne Road LLC to October 27, 2020 not earlier than 6:30 pm, seconded by Mr. Chadwick, unanimously so voted unanimously via roll call (5-0-0).

**MEETING MINUTES:** September 22, 2020 & September 26, 2020

Mr. Chadwick made the motion to adopt the minutes as written for September 22, 2020 & September 26, 2020, seconded by Mr. Stoltz, unanimously so voted unanimously via roll call (5-0-0).

### **Littlefield Pond Road- Request for Release of Cash Surety**

Mrs. Greenhalgh presented the following information to the Board. On September 10, 2020 Mark Giarrusso, President of Hybrid Built Home submitted a request for a release of the remaining cash surety (\$2,000.00) for Littlefield Pond Road. The Board has 45- days to act on a request for such a release once it is stamped in with the Town Clerk; however, this request was not stamped in with the Town Clerk until September 29, 2020. The Town Engineer completed an inspection of the road. He does not recommend that the funds be released at this time as there is still work to be completed. I concur with his recommendation and offer the following proposed motion.

Mr. Harris made the motion to deny the request for the release of the remaining cash surety for Littlefield Pond Road, Case PB2008-03, as the work has not been completed in conformity with approved plans or the Planning Board Rules and Regulations based on the September 28, 2020 email from Town Engineer Griffin Ryder to Town Planner Charleen Greenhalgh, seconded by Mr. Chadwick, unanimously so voted unanimously via roll call (5-0-0).

### **2021 Meeting/Hearing Schedule for Review and Approval**

Mr. Chadwick made the motion to accept the 2021 Planning Board Schedule as printed, seconded by Mr. Harris, so voted unanimously via roll call (5-0-0).

Mr. McParland arrived at this time.

### **PB2020-02 Steve Gopoyan & Swavi Osev, 346 Route 28 & 0 Sisson Road, Site Plan & Use Special Permits**

*Representative:* Andrew Singer

Chairman Berry re-opened the hearing at 6:43 PM 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 9/10/20.

Attorney Singer provided a recap of the project. The conditions suggested by the Town Planner are acceptable by the applicant.

Mrs. Greenhalgh read the planning comments into the record. Planning Staff Comments: 1. The Planning Board heard testimony at the September 10, 2020 meeting. At that meeting the public hearing was continued to allow the Town Planner to refine recommended conditions based on discussions and testimony taken at that meeting. 2. Several conditions are recommended primarily for the Site Plan Special Permit, and include but are not limited to: a. All drainage and storm water requirements, local, state and federal, shall be met and approved by the Harwich Town Engineer prior to the commencement of construction operations, including a Stormwater Permit, pursuant to the local Comprehensive Stormwater and Illicit Discharge Regulations. PB2020-02 Gopoyan & Osev Staff Report #3 Page 3 of 5 b. Prior to commencement of any work on the subject site, the two parcels shall either be combined by an Approval Not Required Plan

or an Easement Agreement or some other legal agreement shall be executed. Neither document shall be valid nor work commence until said document is recorded at the Barnstable County Registry of Deeds and a copy of said document is filed with the Harwich Town Clerk and the Harwich Planning Board. c. All Zoning Board of Appeals conditions pursuant to Case No. 2020-18, or subsequent Zoning Board action, shall be strictly adhered to. d. Conservation Commission review and approval shall be required and all conditions and/or requirements shall be strictly adhered to. e. All Board of Health requirements and/or conditions shall be strictly adhered to. f. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department. g. Lighting shall comply with the requirements of the Code of the Town of Harwich. h. Any changes to the site plan, other than those that may result from the Stormwater Discharge Permit or Conservation Commission review, shall be subject to further Planning Board review and approval. i. Any changes as a result of the Stormwater Discharge Permit or Conservation Commission review, must be shown on the final as-built plan. j. This decision shall be recorded at the Barnstable Registry of Deeds prior to the issuance of a building permit. k. Conformance with all review procedure requirements outlined pursuant to §400- 18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met. 3. As a reminder, if Board Members are not going to vote favorably on either Special Permit (Site Plan or Use Special Permit), the Board Members must provide reasons and/or findings as to why the request(s) does not meet the necessary requirements.

David Reid, representing the Beach Plum Condominiums, brought up concerns with the lighthouse structure and the light, and the hours of operation.

Karen Jensen, a resident of beach Plum, raised concerns in agreement with Mr. Reid. Additionally, a concern that there are a large amount of parking spaces even though the golf course has been reduced by half.

Mr. Singer responded that the lighthouse structure will be shielded. Additionally, they will follow Buds Go Carts hours of operations, which is a condition of the ZBA.

Dan Croteau stated that there was a concern with parking when there was a 36 hole golf course proposed. The plan is that everyone who wants to play golf they will be accommodated. A reserve was left for those who are waiting to play. The parking lot is created with enough reserve area that there will be enough room for people to wait in line. Mr. Singer stated that on the original proposal there was a reserve parking area. They are no requesting a waiver, it is conforming. Mrs. Greenhalgh stated that the go carts are also counted in the parking calculation. Both uses are included.

Mr. Reid stated that the go cart operation is in a commercial zone. The majority of the golf course is in a residential neighborhood. The hours of operation should not be the same. The timeframes are set in the ZBA conditions. Please be specific with the timeframe to cease operations.

Mrs. Greenhalgh agreed in part. In her opinion it's very specific in the ZBA conditions. If they want that amended, they need to go back to the Zoning Board of Appeals. It would be better to reference the ZBA decision.

A lengthy discussion ensued on the Zoning Board of Appeals decision, and hours of operation.

Mr. Gopoyan and Mr. Osev both spoke to the closing times. The lengthy discussion continued on closing time and hours of operations.

Mr. McParland made the motion to close the public hearing at 7:34 PM, seconded by Mr. Chadwick, unanimously so voted by rollcall vote (6-0-0).

On a motion from Mr. McParland, seconded by Mr. Chadwick, the Board voted 5-1-0 by rollcall vote (Messers McParland, Berry, Harris, Rouse and Chadwick voting to approve and Mr. Stoltz voting against) to adopt the following findings of fact:

1. The property is located within the C-H-1 and the R-M zoning districts.
2. The Harwich Zoning Board of Appeals granted a variance, pursuant to case #2020-18, for the proposed use to be located within a residential zoning district.
3. The parking complies with the requirements of Article IX, Off-Street Parking Regulations.
4. Adequate landscaping and buffers for adjacent residential properties have been provided.
5. Screening of parking complies with the provisions of § 325-43.
6. The proposed use is allowable with a Special Permit.
7. The Conservation Commission approved the original proposal; however due to changes in the plan, the reduction from a 36-Hole Miniature Golf Course to an 18-Hole Golf Course, Conservation Commission review and approval shall be required for the proposed improvements located within the FEMA Flood Zone.
8. The use as developed will not adversely affect the neighborhood.
9. The specific site is an appropriate location for such a use, structure or condition.
10. There will be no nuisance or serious hazard to vehicles or pedestrians.
11. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

On a motion from Mr. McParland, seconded by Mr. Harris, the Board voted unanimously (6-0-0) by rollcall vote to approve with conditions case number PB2020-02 for a Use Special Permit for Steve Gopoyan & Swavi Osev, as applicant/tenant, Emulous E. Hall, et als., as owners, pursuant to the Code of Town of Harwich §325-13, ¶IV Line 30 and §325-51 to construct a miniature golf course on property 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. The application is pursuant to the Code of the Town of Harwich §325-51.M, and 55. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich. The following conditions are imposed:

1. This decision shall be recorded at the Barnstable Registry of Deeds prior to the issuance of a building permit.

On a motion from Mr. McParland, seconded by Mr. Chadwick, the Board voted unanimously (6-0-0) by rollcall vote to approve with conditions case number PB2020-02 Steve Gopoyan & Swavi Osev, as applicant/tenant, Emulous E Hall, et als., for a Site Plan Review Special Permit pursuant to the Code of Town of Harwich §325-55 to construct a miniature golf course and expand and improve the parking and vehicle access for the property 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. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich with the following conditions:

1. All drainage and storm water requirements, local, state and federal, shall be met and approved by the Harwich Town Engineer prior to the commencement of construction operations, including a Stormwater Permit, pursuant to the local Comprehensive Stormwater and Illicit Discharge Regulations.
2. Prior to commencement of any work on the subject site, the two parcels shall either be combined by an Approval Not Required Plan or an Easement Agreement or some other legal agreement shall be executed. Neither document shall be valid nor work commence until said document is recorded at the Barnstable County Registry of Deeds and a copy of said document is filed with the Harwich Town Clerk and the Harwich Planning Board.
3. All Zoning Board of Appeals conditions pursuant to Case No. 2020-18, or subsequent Zoning Board action, shall be strictly adhered to; including the hours of operation not to exceed 10:00 am to 10:00 pm in season.
4. Conservation Commission review and approval shall be required and all conditions and/or requirements shall be strictly adhered to.
5. All Board of Health requirements and/or conditions shall be strictly adhered to.
6. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
7. Lighting shall comply with the requirements of the Code of the Town of Harwich.
8. Any changes to the site plan, other than those that may result from the Stormwater Discharge Permit or Conservation Commission review, shall be subject to further Planning Board review and approval.
9. Any changes as a result of the Stormwater Discharge Permit or Conservation Commission review, must be shown on the final as-built plan.
10. This decision shall be recorded at the Barnstable Registry of Deeds prior to the issuance of a building permit.
11. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.
12. Any light within the lighthouse structure shall be shielded from the residential properties.

Condition 3 above, was amended by the Mr. McParland and seconded by Mr. Chadwick, following a brief discussion to include the language “including the hours of operation not to exceed 10:00 am to 10:00 pm in season.”

**ADJOURNMENT:**

Mr. McParland made the motion to adjourn at 7:49 PM, seconded by Mr. Rouse, unanimously so voted via roll call.

Respectfully Submitted,  
Kathleen A. Tenaglia, Board Secretary

Adopted: October 27, 2020