

HARWICH PLANNING BOARD
HARWICH TOWN HALL - 732 MAIN STREET, HARWICH
VIA REMOTE PARTICIPATION GoToMeeting.com
TUESDAY MARCH 23, 2021 – 6:30 PM
MEETING MINUTES

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

BOARD MEMBERS ABSENT: Vice-Chairman, Allan Peterson.

OTHERS PRESENT: Meggan Eldredge; Katie O’Neill; Dan Ojala; Peter Antonellis; Susan Sedor; Saumil Patel; George McLaughlin; 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.

PB2021-04 711 Main Street LLC, 711 Main Street, Modify Site Plan Review Special Permit
Representative: Saumil Patel

Chairman Berry opened the hearing at 6:33 PM by reading the legal notice into the record. 711 Main Street LLC, Saumil Patel, manager, seeks approval to modify Site Plan Review Special Permit PB2019-18 and PB2020-31 to relocate the fence from the southerly property line to just off the rear parking lot attaching it to the guardrail. The application is pursuant to the Code of the Town of Harwich §325-55. The property is located at 711 Main Street, Map 41, Parcel D8, in the C-V and Harwich Center Overlay Districts.

Mr. Patel started the hearing by explaining that he would like to put a 4’ fence on the guard rail to screen the neighbors on the south side of the property. He met with the neighbors, and they decided the guardrail fencing would be a better screen and the best approach.

Ms. Eldredge read departmental input into the record. Comments from other Boards, Departments, Committees Fire and Health: No issues or concerns. Planning Staff Comments Elaine Banta: Charleen was able to review the application prior to her retirement. She notified the applicant that the plans were not stamped by a professional. The applicant immediately provided stamped plans. No written correspondence has been received. All other Planning Board requirements have been met.

Ms. Maslowski stated that this was also approved by historic.

Mr. Rouse commended Mr. Patel for solving a potential problem with his neighbors. This is commendable to solve this so quickly.

Susan Sedor and Peter Antonellis read their letter of concern into the record. They are requesting a 6’ fence, not a 4’ fence.

A very lengthy discussion ensued on fence height regarding fence height and location.

Mr. Chadwick made the motion to continue the hearing to April 27th, 2021 no earlier than 6:30 PM, seconded by Ms. Maslowski, unanimously so voted via roll.

PB2020-24 195 Queen Anne Road, LLC, 195 Queen Anne Road, Site Plan Review Special Permit
Representative: Daniel Ojala

Chairman Berry opened the hearing at 7:19 PM by reading the legal notice into the record. 195 Queen Anne Road, LLC, as applicant, George A. McLaughlin III, as manager, Daniel A. Ojala, P.E., P.L.S., as representative, 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.

Mr. Ojala began the hearing by explaining the proposal. This property has nice quiet neighbors, the solar farm, and to the west has similar uses. Across the street is a cell phone towners. Not much objection by neighbors. This is a good use for this site. This has been used as a contractor yard, and the owner wants to clear it up. There was concern over parking arrangements. This has been continued a number of times. Griffin Ryder felt rain guards should be introduced to soak up nitrogen and phosphorous. This is not in a Zone II. They are looking at contractor bay use, or vehicle storage use. There will be an industrial tight tank. This will also be a good looking building screened from the Road. Griffin Ryder approved this yesterday at his public storm water hearing.

Ms. Eldredge read departmental input into the record. Departmental Comments: On February 24, 2021 departmental comments were solicited based on the new plans that were submitted. Conservation, Police and Fire: No comments Health: A fully-compliant septic system must be approved prior to building permit issuance. Highway: 1.) To make the property owner/developer aware, Queen Anne Road was recently resurfaced and is now under a 5 yr. Road Cut Moratorium. I notice that the new gas service is proposed to come off the gas main under pavement, at this time and until fall of 2025 that will not be possible. It is not clear where the water main is located but this moratorium may effect that as well. 2.) The D.P.W. also request the repair/restoration of the chain link fence damaged over the years. It appears that things have been leaned against or pile on it over the years causing significant damage. The areas in question are along the eastern and northern property lines. Engineering: Stormwater hearing scheduled for March 22, 2021. Comments to follow. Water: Due to the length of the service the property will require a meter pit to be located at the front of the parcel along Queen Anne Road. I would recommend they move the meter pit into the island along QA to keep it out of the road reducing the structural requirements for the meter pit. Planning Staff Comments: Elaine Banta: The applicant has submitted revisions to reduce the structure size to 7,480 SF with five (5) bays with corresponding appurtenant changes to the surroundings.

Mr. Rouse asked if Mr. McLaughlin owned the warehouse in the front. It was responded yes, they rent out to other businesses.

Mr. Chadwick clarified the tenants and the specific uses of the building, which were answered by Mr. Ojala.

George Mclaughlin stated he would like to clean up this property. He has pride in the things he owns. Landscaper bays could be another use. Electrician, etc. A house contractor would be a typical tenant.

No public comment was made.

Mr. Stoltz questioned if natural gas could not be approved, would they need to see fuel tank locations?

Mr. Ojala stated they would be behind the building, off the path, and reviewed by fire. This is a small footprint tank, and is temporary. Gas will be connected after the moratorium.

A discussion ensued regarding propane tank and placement.

Ms. Maslowski asked if the Board of Health has above ground propane tank requirements. It was responded no.

Placement shall be subject to approval of the Harwich Fire Department and placement shall not exceed 5 years from the date of issuance of the special permit and the placement of fuel tank should be included on the finalized as-built plans.

Mr. McLaughlin stated he will pursue natural gas, but he accepts the proposed conditions if it doesn't work out.

Mr. Harris moved to close the public hearing at 7:41 PM, seconded by Mr. Chadwick, unanimously so voted via roll call.

Findings of Facts

On a motion from Ms. Maslowski, seconded by Mr. McParland, the Board voted (7-0-0) by rollcall to adopt the following findings of fact:

1. The property is located within the I-L zoning districts.
2. The parking complies with the requirements of Article IX, Off-Street Parking Regulations.
3. Adequate landscaping and buffers for adjacent residential properties have been provided.
4. Screening of parking complies with the provisions of §325-43.
5. The proposed use is allowable with a Special Permit.
6. The use as developed will not adversely affect the neighborhood.
7. The specific site is an appropriate location for such a use, structure or condition.
8. There will be no nuisance or serious hazard to vehicles or pedestrians.
9. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Vote on Use Special Permit

On a motion from Ms. Maslowski, seconded by Mr. McParland, the Board voted (7-0-0) by rollcall vote to approve the application submission PB2020-24; 195 Queen Anne Road, LLC for a Use Special Permit for structures with 20 or more new parking spaces for property located at 195 Queen Anne Road, Map 41, Parcel N4 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.

Conditions of Approval:

1. Supplemental Regulations pursuant to Section 325-14.I shall be met for Manufacturing.
2. Any change of use may require further Planning Board review.

Site Plan Review Special Permit:

On a motion from Ms. Maslowski, seconded by Mr. McParland, the Board voted (7-0-0) by rollcall vote to approve with conditions, the application submission PB2020-24; 195 Queen Anne Road, LLC to construct an industrial warehouse/contractor structure (7 bays, 9,000 sf) and appurtenant features. The decision is based on the aforementioned findings of fact, 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.

Conditions of Approval:

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. Water Department requirements shall be met.
3. Any changes to existing signage or new signage shall meet the requirements of Article VII – Sign Regulations.
4. Conformance with the Town Code Section 400-18.G Inspection, Certificate of Completion and As-built plan shall be met.
5. This decision shall be recorded at the Barnstable County Registry of Deeds.
1. The applicant shall seek to use natural gas at the facility and in the event the applicant cannot use natural gas and any propane fuel tanks necessary shall be placed in the NE corner of the building and shall be screened. Placement shall be subject to approval of the Harwich Fire Department and the placement of fuel tank shall be included on the finalized as-built plans submitted to the Town Planner.
2. Applicant shall repair the existing fence, as necessary.

All Votes by Roll Call Vote:

IN FAVOR: Mr. Berry, Ms. Maslowski, Mr. McParland, Mr. Chadwick, Mr. Harris, Mr. Stoltz and Mr. Rouse (alternate).
OPPOSED: None
ABSTAIN: None

COVENANT RELEASES

PB2007-36 South Westgate Road- Mark Zipp (Original owner: Chapman)

Ms. Eldredge provided the explanation of the covenant releases.

Mr. Chadwick clarified that there was no site plan as part of the application, is that not part of the package? Ms. Eldredge clarified that it is not part of the material.

Mr. Chadwick was concerned with the vegetation. Is not having a site plan a concern?

Ms. Eldredge stated that lot 4 was chosen to be held because the stock piled materials are currently being held, even though they should be removed.

Ms. Maslowski made the motion to approve the covenant release, seconded by Mr. McParland.

A discussion ensued. Motion failed, continued to next meeting.

PB2016-05 Denwich Road- Tonka Girl LLC, Mike Escher, Manager.

Mr. McParland made the motion to approve the partial release, seconded by Mr. Harris.

Mr. Stoltz confirmed that 2 lots will be held. A lengthy discussion ensued. The motion was withdrawn.

Chairman Berry requested that the documentation of a site plan be included in the next meeting for both releases.

ZONING BOARD OF APPEALS OPINIONS FOR MARCH 31, 2021:

Ms. Eldredge state that the Zoning Board of Appeals will be heard March 31, 2021. She then read the Agenda into the record.

No comments were made.

WEST HARWICH SPECIAL DISTRICT DESIGN GUIDELINES: Sarah Korjeff

Sarah Korjeff brought the board up to speed on the design guidelines. She walked them through the design guidelines in the packet. She will start by making comments that Liz Kellam is also on the line. Cape Cod Commission has offered to develop graphics to develop guidelines to make them new user friendly. They would like to make three main sections that justify the guidelines, then go into specifics about desired types of alterations geared toward historic properties, and a new properties in section. They wanted to personalize these design guidelines specifically to West Harwich, but are broad enough to not be restrictive in the area. They also wanted these to be complimentary to the regulations adopted this fall. This is personalized to West Harwich, and serves all audiences in town- including property owners and workers. This will help guide new development in the area. Key elements of protecting historic resources to not harm historic features.

A lengthy discussion ensued.

Mr. Harris commended the individuals who put it together, agreed by Ms. Maslowski. She continued to state that guidelines might be better than standards.

Ms. Korjeff stated that guidelines would give more flexibility than standards.

A lengthy discussion ensued.

Further iterations will be provided.

BRIEFINGS AND REPORTS BY BOARD MEMBERS

Ms. Eldredge updated the Board that an appeal has been filed by Mr. Winston on the Royal. The Board Secretary position will be vacant as of April 5th, and the Planner's positions has officially been posted.

ADJOURNMENT:

Mr. McParland made the motion to adjourn at 8:49 PM, seconded by Mr. Haris, unanimously so voted via roll call.

Respectfully Submitted,
Kathleen A. O'Neill

Adopted: April 27, 2021