

**HARWICH PLANNING BOARD  
HARWICH TOWN HALL  
732 Main Street- DONN B. GRIFFIN ROOM  
TUESDAY, APRIL 23, 2019 – 6:30 PM  
MINUTES**

**BOARD MEMBERS PRESENT:** Chairman Jim Joyce; Mary Maslowski; Joseph McParland; Craig Chadwick; William Stoltz; and via remote participation David Harris (Telephone – call lost at 7:27 pm).

**BOARD MEMBERS ABSENT:** Vice-Chairman Alan Peterson.

**OTHERS PRESENT:** Town Planner, Charleen Greenhalgh; Executive Director of Harwich Chamber, Cyndi Williams; Deputy Chief Considine; Matthew Bombaci, Bruce MacGregor, Robert Elvis, William Crowell, Brian Langelier, Jackie Etsten, Sara Chase, William Riley, Ron Remondino, Thomas Moore, and others.

**CALL TO ORDER** - 6:32 PM by Chairman Joyce with a quorum present.

Chairman Jim Joyce announced the Recording & Taping Notification: As required by law, the Town may audio or video record the meeting. Any person intending to either audio or video record this open session is required to inform the acting chair.

**PB2019-14 Town of Harwich (Cemetery), 276 Queen Anne Road, Site Plan Special Permit**

Chairman Joyce opened the hearing at 6:34 by reading the legal notice into the record. The Town of Harwich (Cemetery) owner, seeks approval of a Site Plan Review Special Permit with waivers to establish a Pet Burial Grounds with walking paths, parking area and a gazebo. The property is located at 276 Queen Anne Road, Map 69 Parcel M1 in the I-L Zoning District. The application is pursuant to the Code of the Town Harwich §325-51 and -55.

An email was received from Robbin Kelley, Cemetery Administrator requesting a continuance to June 25, 2019. Ms. Maslowski made the motion to continue the hearing to June 25 2019 at 6:30 pm, seconded by Mr. McParland, unanimously voted via roll call.

**PB2019-03 Harwich Retail LLC, 48 & 52 Route 28, Site Plan Special Permit**

Representative: Matthew Bombaci and Chad Brubaker

The hearing was re-opened by Chairman Joyce by reading the legal notice into the record at 6:37 pm. The applicant seeks approval of a Site Plan Review Special Permit with waivers to construct a 7,489± SF retail structure and a Use Special Permit for structures requiring twenty or more parking spaces. The application is pursuant to the Code of the Town of Harwich §325-09, -51 and -55. The properties are located at 48 & 52 Route 28, Map 10, Parcels D4-1 and -2, in the C-H-1 & R-R Zoning Districts. Continued from 04/09/2019.

Mrs. Greenhalgh reminded everyone the last time this was presented was February 26, 2019. She also stated that Mr. Stoltz would not be able to vote on this matter, so it would need to be a unanimous decision, which the applicant was aware of.

Mr. Bombaci began the hearing by giving a quick recap of the original hearing, as well as additional changes that have occurred as a result of the hearing. A landscape island was added to the front of the building. Mr. Bombaci stated that they received MassDOT comments, and they requested that the driveway be shifted to the left. Additionally, minor modifications to the utilities locations were made. Abutter concerns were also addressed about screening the back of the property, and a 6' high wood fence will be installed the entire length of the back area, and parking will not be located near the back area.

Mr. Chadwick asked Deputy Chief Considine if it would help by having the curb cut on route 28 be the entrance, and the exit only from Depot Road West. Deputy Chief Considine stated that they did originally suggest that, but ultimately MassDOT stated that they are comfortable with the full access driveway. Deputy Chief Considine also commented that he has some concerns on the trip generator numbers, as Harwich is a seasonal community. The numbers used during the trip generator do not necessarily calculate to the amount of business that will occur. Additionally, Deputy Chief Considine had concerns on the neighbor's arborvitaes located on Depot Road West. He stated that the problem with arborvitaes is that they screens well, which is good for the resident, but bad for line of site. In addition, in the summer they get quite large. If it is not a problem now, it will be in a few years. However, if the resident allows those to be removed, he is comfortable with the line of site distance. Mr. Bombaci responded that yes, they are working with the neighbors.

Chairman Joyce read four letter of concern into the record; two from Elizabeth Williams, one from Sally Urbano, and one from William Kraft.

At approximately 6:49 pm the call was dropped with Mr. Harris during Chairman Joyce's reading of the letters into the record, a ten minute recess was taken. At approximately 7:01 pm the meeting was called to order and Chairman Joyce re-opened the hearing by reading the remainder of the four letters.

Mr. McParland asked what the intention was for the Parish House. Mr. Bombaci stated that they are under demolition delay, so after one year the building will be demolished, and the area will then be turned into landscape, and if they need additional parking it will be located there.

Mrs. Greenhalgh acknowledge that the neighbors were upset that this building was being demolished, and stated that while she herself is also a preservationist, the Planning Board is governed by the Zoning Bylaw, and must act as such. The Planning Board has jurisdiction to review this application pursuant to the Code of Town of Harwich §325-55 for Site Plan Review Special Permit for the reconfiguration of an existing parking lot. Further, pursuant to §325-55.E.(1) *"If the site plan meets the requirements of this By-law and the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended, the Planning Board shall approve it"*. However, the Board cannot deny approval of a site plan for a use which is allowed by right (not by special permit) in the district, but may impose reasonable conditions on the proposed use. Please refer to §325-55.E. for specific allowable conditions. She then read from her staff report:

1. Matthew Bombaci, P.E. with Bohler Engineering has continued to have conversations with the Harwich Police Department.

2. The latest revised plans have addressed concerns that I had raised regarding the location of the HP spaces. These have been relocated.
3. The latest revised plans have been changed to address comments from MassDOT and resulting changes including:
  - a. Introduced landscape island at front of building per Staff/PB comments and adjusted parking layout accordingly;
  - b. Modifications to Route 28 driveway to provide 30-ft driveway radii per MassDOT request;
  - c. Modifications to anticipated utility connection locations per DPW comments on saw cut moratorium in Depot Road;
  - d. Grading and Landscaping modifications to accommodate the above changes.
4. The existing lot line between the two parcels will need to be expunged. The following condition is recommended, "Prior to the issuance of a Building Permit an Approval Not Required Plan shall be filed to the Planning Board showing the merging of 48 & 52 Route 28, shown on Harwich Assessors Map 10, as Parcels D4-1 and D4-2."
5. The plan has been designed to pull the development away from road right-of-way to the north of the site. The rear portions of #48 and #52 Route 28 are located within the R-M zoning district.
6. The proposed landscaping for the site is adequate.
7. Generic sign plans have been provided. Signage will need to comply with the Sign Code requirements within the Zoning Bylaw and proper sign permits will be required from the Building Department; this should be included in conditions.
8. The requested waiver for the parking at this time appears adequate and appropriate. The applicant has provided a plan showing the availability of an additional ten (10) parking spaces, should they be necessary. Of course, this does assume that the Structure at 52 Route 28 will be demolished. A reminder that this is currently on a Demolition Delay imposed by the HDHC.
9. The access onto Depot Road West will have to comply with Harwich DPW requirements.
10. There has been no discussion regarding the hours of operation. The Board may wish to condition the hours.
11. If the existing structure is to remain and used for any allowable use (by-right or special permit), a revised site plan would be required and the applicant would be required to return to the Planning Board to modify the Site Plan.
12. Recommend standard conditions be imposed.

Mr. Stoltz asked if the board can ask for exterior changes to the architecture. Mrs. Greenhalgh explained that no, there's no provision for architectural review in the zoning bylaw.

Mr. Harris asked what the basis is for determining that this will be a low traffic generator. Mr. Bombaci stated that they picked the most aggressive trip generator number, and with experience, that will have more than enough parking.

Mr. Harris asked Mrs. Greenhalgh how the location of demolition delay building could be proposed for a parking area. Mrs. Greenhalgh stated that historic deemed that this building could be demolished, but imposed a 1 year delay.

A conversation ensued on Historical District vs. National Registered Historical District.

Mr. Chadwick asked if they do need more parking, do they need to come in front of the Board again. Mrs. Greenhalgh responded that if it is shown on the plan, then generally no.

Robert Elvis, 77 Smith Street, read two letters of concern into the record. The first letter read was from Mary and John Roan, of 37 Smith Street. The second letter of concern was from Virginia Doyle, of 48 North Street.

The call with Mr. Harris was again dropped at approximately 7:27 pm, and an additional 5 minute recess was taken. Chairman Joyce re-opened the hearing, but contact could not be made with Mr. Harris.

Because the call from Mr. Harris was continually being dropped, and contact could not be made, Mr. McParland made the motion to continue the hearing to May 14<sup>th</sup>, 2019, seconded by Ms. Maslowski, unanimously voted at 7:34 pm, without Mr. Harris.

**PB2019-12 Brain Langelier, Trs. et al, and Janet E. Ginnetti, Trs., 815 Route 28, Site Plan Review Special Permit and Mixed Use Special Permit**

Representatives: Attorney William Crowell and Brian Langelier

Chairman Joyce opened the hearing at 7:41 pm by reading the legal notice into the record; the applicants seeks approval of a Site Plan Review Special Permit with waivers to reconfigure the existing parking areas and to allow for Mixed Use with requires a Special Permit for property located at 815 Route 28, Map 24, Parcel W6-2 in the C-H-1 zoning district. The application is pursuant to the Code of the Town of Harwich §325-51.M, and 55.

Mr. Crowell began the hearing by introducing Mr. Langelier and the proposed project. He stated that this property formerly had the large boat, which was removed several months ago. Mr. Crowell continued to explain that the interior swimming pool is now gone, and is proposed to be replaced with retail storage. Mr. Crowell stated that all requirements are met for a mixed use development and site plan approval.

Mrs. Greenhalgh read the planning comments into the record:

1. The proposed changes to the property will be a vast improvement. This property has sat vacant for many years. To see this property revitalized is advantageous to the neighborhood.
2. A sign location has not been shown. If a sign is proposed a condition is recommended that it must comply with the Sign Code and Building Department requirements.
3. Wheel stops are not shown; however, it does not appear that they will be necessary.
4. The parking calculation are based on the use being in the category of a *“Furniture and home furnishings, large appliances, lumber, showroom or other retail display of large items”*
5. The elimination of parking directly in front of the building and the closing up of the curb cut onto Route 28 is an enhancement.
6. The property has historically had two apartments; however the permit trail is not entirely clear. This application will bring the property into full compliance.

7. There is an existing “cart path” on the easterly side of the property that serves one dwelling. The parking as proposed would not inhibit access to and from this property.
8. The waiver requested is reasonable.

She stated that there were no concerns from other departments. It was noted that the first floor plan provided did not match what was being proposed, so an updated plan will need to be provided.

Mr. Chadwick asked if the cart path shown on the easterly side is a town road. Mrs. Greenhalgh stated that it is not.

Jackie Etsten, 826 Route 28, stated that she is really glad that improvements are being done, and the architectural design is really pleasing. The change is welcomed. The only issue is the vacant lot that was divided illegally next to it. The development of that lot would be a concern. But what is being done is great, and congratulations. Sarah Chase, 825 Route 28, stated that she is grateful for the improvements and the investment in this project.

Mr. McParland asked what will happen after the pool is filled in. Mr. Langelier stated that it is proposed to be storage associated with the retail area. The entire first floor is only going to be commercial space, the apartments are located on the second floor.

Mr. McParland moved to close the public hearing at 7:53 pm, seconded by Ms. Maslowski, unanimously voted.

**Waiver(s):**

On a motion by Mr. McParland and seconded by Ms. Maslowski, the Planning Board voted unanimously (5-0-0) to approve the waivers for two sets of drainage calculations and map pursuant to §400, as requested based on the facts presented by the applicant.

**Findings of Facts:**

On a motion by Mr. McParland and seconded by Ms. Maslowski the Planning Board voted unanimously (5-0-0) to adopt the following:

1. The property is located within the C-H-1 zoning district.
2. The reduction in lot coverage is a positive improvement.
3. The elimination of parking directly in front of the building and the closing up of the curb cut onto Route 28 is a safety enhancement.
4. There is an existing “cart path” on the easterly side of the property that serves one dwelling. The parking as proposed would not inhibit access to and from this property.
5. The granting of these special permit will allow the property to come into compliance.
6. The waivers requested do not substantially derogate from the purpose and intent of this bylaw.
7. The parking calculation are based on the use being in the category of a “Furniture and home furnishings, large appliances, lumber, showroom or other retail display of large items”.
8. The commercial area make up more than the required 33% of the floor area of the building or buildings and it is located at the front of the building, facing the street, and shall be located on the ground level.

9. There is the required minimum of 10,000 square feet of lot area per residential unit.
10. The parking complies with the requirements of Article IX, Off-Street Parking Regulations.
11. Adequate outdoor landscaped public area has been provided as part of the landscaping requirement.
12. The Mix Use Special permit complies with the requirements of § 325-55, Site plan approval.
13. Screening of parking complies with the provisions of § 325-43.

**Use Special Permit: Mixed Use:**

On a motion by Mr. McParland and seconded by Ms. Maslowski, the Planning Board voted unanimously (5-0-0) to approve case number PB2019-12 Brian Langelier, Trs. et al, and Janet E. Ginnetti, Trs., as owners, to allow for Mixed Use, retail display of large items, associated storage and two (2) apartments for property located at 815 Route 28, Map 24, Parcel W6-2 in the C-H-1 zoning district. 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.

**Site Plan Review Special Permit:**

On a motion by Mr. McParland and seconded by Ms. Maslowski, the Planning Board voted unanimously (5-0-0) to approve with conditions case number PB2019-12 Brian Langelier, Trs. et al, and Janet E. Ginnetti, Trs., as owners, for a Site Plan Review Special Permit with waivers to reconfigure the existing parking areas for property located at 815 Route 28, Map 24, Parcel W6-2 in the C-H-1 zoning district. 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 and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of the Town of Harwich with the following condition(s):

1. All signage shall comply with the Sign Code and Building Department Requirements.
2. This decision shall be recorded at the Barnstable Registry of Deeds.
3. 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.
4. A revised proposed 1st floor plan shall be submitted.

**PB2019-13 Main Street Stone Horse LLC, Site Plan Special Permit, 872 Route 28**

Representative: William Riley, Esq.

Chairman Joyce opened the hearing at 7:59 pm by reading the legal notice into the record. The request seeks approval of a Site Plan Review Special Permit with waivers and a Special Permit for structures greater than 7,500 s.f. to redevelop the property known as the Stone Horse. The proposal includes the construction of two (2) new dormitory buildings (Board of Appeals decision #2018-32, granted October 31, 2018); appurtenant sheds, site improvements; demolition of three (3) motel buildings, one wood frame dwelling and two (2) sheds; reconfiguration of the existing driveways and parking areas; renovation of the existing office/dwelling and the relocation and rehabilitation of the gazebo. The property is located at 872 Route 28, Map 25

Parcel A2 in the C-H-1 zoning district. The application is pursuant to the Code of the Town of Harwich §§325-9, -51 and -55.

Mr. Riley requested to continue the hearing due to the limited number of Board members.

Ms. Maslowski made the motion to continue the hearing to May 14, 2019 at 6:30 pm, seconded by Mr. McParland, unanimously voted via roll call.

**Informal Discussion 521 Route 28, Ron Remondino c/o Thomas Moore**

Representatives: Ron Remondino and Thomas Moore

Mr. Moore explained the proposed plan and stated that the proposed addition would only contain retail space.

Mrs. Greenhalgh asked if retail is proposed on the second floor, how handicap access is addressed. Mr. Moore stated that this is why they are here, to take suggestions and figure out what needs to be done in order to move forward. Mr. Chadwick asked if the additional retail space will require additional parking, and what the plan is if it does. Mr. Moore stated that they currently have 17 spaces, but they may need 20 spaces.

Mr. Moore asked if there is a waiver for parking requirements if they need it. Mrs. Greenhalgh stated that through site plan review that can be done. Mrs. Greenhalgh suggested they meet with the Health Director to ensure any septic requirements will be met. Ms. Maslowski spoke to the need for a Notice of Intent for historic.

**Meeting Minutes-** None

**Advisory Opinions - Board of Appeals April 24, 2019-**No comments

**Old Business-** None

**Briefings and Reports by Board Members**

Mr. McParland stated that the Capital Outlay Committee meets on Thursday to discuss the general bylaw charter amendment for the Capital Outlay Committee.

Mrs. Greenhalgh reported that a Scribner's error was discovered in one of the proposed articles, so at Town Meeting the motion will be to move the article with the exception of the actual numbering.

Ms. Maslowski reminded everyone that the CPC articles are on the Town Meeting agenda, and encourages everyone to attend Town Meeting.

**ADJOURNMENT:** The motion was made by to adjourn at 8:31 PM. The motion was made by Mr. McParland, seconded by Ms. Maslowski, unanimously voted.

Respectfully submitted,  
Kathleen A. Tenaglia, Board Secretary.

Adopted: May 14, 2019