

Planning Comments:
Recommended Findings

1. Eastward Homes Business Trust (“Eastward”) owns the vacant, undeveloped lot at 26 Crocker Rise in East Harwich (Assessors Parcel ID 116-A2-12). The land is in the RR zoning district.
2. 26 Crocker Rise is shown as Lot 12 on a subdivision (modification) plan recorded with the Barnstable County Registry of Deeds in Plan Book 648 Page 50.
3. The Planning Board approved said subdivision and granted a use special permit under Harwich Code Sections 325-51E-G. for the subdivision as a “Cluster/ Open Space Residential Development (OSRD)” in 2013 (See PB Case No. 2011-09, as further modified under PB Case Nos. 2012-24 & 2013-24).
4. Pursuant to said approvals, Lots 13 and 14 are allowed a common or shared driveway (see Note 5 on the recorded subdivision plan).
5. 26 Crocker Rise/ Lot 12 has the benefit of a driveway easement over the panhandle portion of 28 Crocker Rise/ Lot 13 (See instrument recorded with the Barnstable County Registry of Deeds in Deed Book 33099 Page 196).
6. Eastward has now applied to modify the OSRD special permit to allow 26 Crocker Rise/ Lot 12 (which abuts 28 Crocker Rise/ Lot 13 to its east) to share said common driveway. The driveway has already been constructed, extends from the end of Crocker Rise over Lots 13 & 14, and is currently used by Lots 13 & 14 for access.
7. Lots 12, 13 and 14 all have the frontage as required under the Harwich Code.
8. Under the proposed shared driveway arrangement, 26 Crocker Rise/ Lot 12 would not be accessed over its own frontage but rather from and over a new driveway spur extending from the existing shared driveway, all within said driveway easement area referenced above.
9. The Applicant’s special permit (modification) application is dated May 18, 2021 and meets the applicable requirements of the Harwich Code. Among other things, the application includes:
 - Stamped “Plan of Proposed Driveway Easements prepared for Eastward Companies, Inc., Locus: Lot 14, Crocker Rise, Harwich, MA,” by Ladue Land Surveying, Rev. Date 7/13/20 (*which plan notes that the driveway easements are for the benefit of Lots 12, 13 and 14*);
 - Stamped “Proposed Conditions Plot Plan in Harwich (Alternate Driveway Access), Prepared for: Eastward Companies, 26 Crocker Rise, Harwich, Project 21-057,” by Moran Engineering Assoc. , LLC, dated 4/22/21;
 - Undated photo of existing shared driveway with reference to 26, 27 & 28 Crocker Rise.
10. The Planning Board held a public hearing on the request at its meeting on June 22, 2021.
11. The shared driveway arrangement will not adversely affect the neighborhood, is an appropriate use and location under the circumstances and will not create nuisance or hazard; lot access will be provided or continue to be provided in a safe, adequate, reasonable and economical manner.
12. The proposed driveway for Lot 12/ 26 Crocker Rise is has a paved width and cleared area consistent with the requirements of the Harwich Code.
13. The proposed access for Lot 12/ 26 Crocker Rise is superior to access over its frontage and enhances overall site design in the OSRD: the shared driveway arrangement reduces the number of curbcuts, driveways and total impervious coverage in the subdivision, helps maintain the rural character of the area by preserving the existing natural topography and vegetated buffers, all consistent with OSRD purposes set out under the Harwich Code.

Recommended Conditions of Approval

1. The proposed access for 26 Crocker Rise/ Lot 12 shall be undertaken consistent with the plans referenced in the application material set out above.

2. This Decision shall run with the property.
3. This Decision shall not be effective until it is recorded with the Barnstable County Registry of Deeds.

Motions/ Determinations (as recommended by staff):

1. In Case No. 2021-010, Motion to adopt the recommended findings and conditions of approval set out herein and grant a further modification to the use special permit for the Crocker Rise open space/ cluster subdivision to allow 26 Crocker Rise/ Lot 12 access over an existing shared driveway, subject to said conditions.

Staff Note:

- Use Special Permit Modification: the vote may include associate member Mr. Rouse as necessary. A supermajority vote is necessary to approve (5 affirmative votes).