

May 11, 2021
Rev. July 1, 2021
Staff Report

PB2021-08 Eastward Homes Business Trust, ANR Plan (Bascom Hollow/ Orleans Road)

Planning Comments:

Applicant seeks an “Approval Not Required (ANR)” plan endorsement under M.G.L. c. 41 §§81L and 81P in order to reconfigure and re-divide existing lots.

The ANR plan is entitled “Division Plan, 1522 Orleans Road (Rte. 39), Harwich, MA,” prepared by Clark Engineering LLC, with a revised date of 4/23/21 (stamped by Donald T. Poole, P.L.S. April 28, 2021). Basically, the ANR plan would reconfigure three existing lots into four proposed lots and a small, unbuildable parcel. Subsequent to the approval of the “Bascom Hollow” subdivision (Plan Book 675 Page 51), the applicant acquired additional land to the south of the subdivision along Orleans Road and now looks to incorporate that newly acquired land into the subdivision.

In its existing configuration, the subject land is referenced/ shown as 16 Bascom Hollow (Map 97 Parcel B2-12; lot 8, Plan Book 675 Page 51); 1522 Orleans Road (Map 97 Parcel B2-3; Plan Book 675 Page 51; and formerly “Owners Unknown” land, Parcel 7, Plan Book 686, Page 11. As proposed, the subject land is shown as Lots 8A, 9, 10 and 11 and Parcel A on the ANR plan. The subject land is contiguous and located in the R-R & W-R zoning districts.

Staff recommends to the Board that the proposal does not constitute a ‘subdivision’ within the meaning of the Subdivision Control Law, and the applicant is entitled to an endorsement that the plan does not require approval under the subdivision control law. All lots proposed to be reconfigured, re-divided or otherwise affected on the ANR Plan have frontage of at least such distance as is required under the Harwich Zoning Code (150’) on a public way (Orleans Road) or a way shown on a plan approved and endorsed under the subdivision control law (Bascom Hollow).

A request for an ANR plan endorsement does not require a public hearing. Pursuant to MGL c.41, §81P, the Planning Board has a limited time to act and file a decision with the Town Clerk on an ANR plan, unless the time for the Board to act has been waived by the applicant (which the applicant has done). The Planning Board opened the public meeting on the matter Tuesday April 27, 2021, and has continued/ extended review through the present. The matter is scheduled for substantive review at the Board’s meeting of July 13, 2021.

Note, that though proposed Lot 10 has the required frontage on Orleans Road, it also connects to Bascom Hollow. If the applicant wants to take principal access to the Lot from Bascom Hollow rather than from its required frontage on Orleans Road, it will require a special permit from the Planning Board to do so.

Interdepartmental Staff comments:

Health: These properties are located in a Zone II and must adhere to one bedroom per 10,000 square feet per lot. The applicant may also need to modify the prior approval of the Bascom Hollow subdivision granted under Section 1.211 of the BOH regulations. No other issue or concerns.

Findings/ Decision (as recommended by staff):

Motion that the plan titled, “Division Plan, 1522 Orleans Road (Rte. 39), Harwich, MA,” prepared by Clark Engineering LLC, with a revised date of 4/23/21 (stamped by Donald T. Poole, P.L.S. April 28, 2021), does not depict a subdivision and to endorse the plan as not requiring approval under the subdivision control law.