

Law Office of Singer & Singer, LLC

26 Upper County Road
P. O. Box 67
Dennisport, Massachusetts 02639

Andrew L. Singer
Marian S. Rose

Tel: (508) 398-2221
Fax: (508) 398-1568
www.singer-law.com

Myer R. Singer (1938-2020)

2173 Rt.28 (Wequasset Resort and Golf Club)

Case No. 2023-07

HARWICH PLANNING BOARD- SITE PLAN REVIEW

Summary of Reasoning

Introduction. Round Cove Resort Owners LLC [“Applicant”] is the owner of the Wequasset Resort and Golf Club (“Resort”) located at 2173 Rt. 28 in Harwich. The proposed project is located at 2173 Route 28 and, in a more limited fashion, at an adjacent property, 4 Cove Landing Road, which will be merged by 81X plan with the 2173 Rt. 28 and 2 Swan Drive parcels shortly (collectively, the “Property”). The Property, which is shown as Parcels S1-30, R-2, H5-2 on Harwich Assessors Map 115, is located in the RH-II Zoning District and contains over 22 acres of land.

The Property’s primary use, hotel and motel use, is allowed in the RH-II Zoning District by special permit. The Resort has provided lodging for guests and associated services on a grandfathered basis for decades. The Parcel is developed (see plan titled “Existing Conditions Plan” dated 01-19-23 for Round Cove Resort Owner LLC, prepared by Coastal Engineering Co., Inc.) and consists of the following: 35 buildings (sheds included), 2 pools, 4 tennis courts, building decks, parking lots, dry laid brick walkways, a playground, gravel storage areas, revetment, utilities and wastewater treatment facilities. The proposed work will take place

within previously developed areas and limited to the areas surrounding Buildings A, B, and K as proposed (Buildings 1, 2, and 11 on the existing conditions plan). A comparable plan to raze and replace buildings 1, 2 and 9 with two-story buildings was proposed in 2007, reviewed by this Board and approved in 2009 but was not fully acted on at that time.

Proposed Project: As part of its effort to enhance the Property, the Applicant is proposing to redevelop three existing one-story buildings as identical two-story buildings on the Property, to improve both hardscape and landscaping adjacent to the affected buildings on Round Cove, and to alter and improve the parking area adjacent to Rose Cottage (Building #20) north of proposed replacement Buildings A and B.

The use for the structures, existing and proposed, will remain unchanged, but the total number of guest rooms will increase by twelve rooms (4 new second floor guest rooms per building for a total of 12 new rooms including 3 ADA compliant rooms). By adding a second floor and four units to each of the three buildings, the project will increase the hotel/motel use by more than 7,500 square feet of floor area (net increase in floor area: 9,667 sq. feet or roughly 3,222 per building).

The existing dry-laid brick paths between affected buildings will be relocated, redesigned, and updated where necessary and grading and retaining walls will be employed in response to the adjusted building, walkway, and parking locations. A parking area north of Buildings A and B will be graded and its location slightly altered to provide an additional accessible parking space and continued conforming parking (304 parking spaces existing including 9 ADA compliant spaces; 303 spaces proposed including 10 ADA compliant spaces). The proposed work is focused in the areas surrounding Buildings A, B, and K, and other parts of the Resort will not be affected by this work.

Relief Requested. In order to complete the redevelopment as shown on the submitted plans, the Applicant is seeking a Site Plan Review Special Permit and a Use Special Permit for an increase of over 7,500 square feet of floor area for an allowed use from the Harwich Planning Board in accordance with Sections 325-55 and 325-9, 325-13, and 325-51 of the Harwich Zoning By-Law [“Zoning By-Law”] and M.G.L. Chapter 40A, Section 9. Separate relief is being requested from the Harwich Board of Appeals in connection with altering the grandfathered hotel/motel use allowable by special permit and to increase the pre-existing non-conforming amenities coverage. The Harwich Conservation Commission has previously reviewed and approved the redevelopment.

Property/Zoning. The Property has been reviewed several times over the years by the Harwich Planning Board but never by the Board of Appeals. The sideline nonconformity noted is from 4 Cove Landing Road which was not considered part of the Resort property until ownership was consolidated and the current plans to merge the properties progressed. The Resort has historically otherwise been conforming as to setbacks and dimensional requirements with the exception of amenities coverage which is pre-existing nonconforming and a nonconforming rear setback (Building 14, +/- 15.9 feet) which will remain unchanged.

Standards of Review. In order to grant the Site Plan Review Special Permit, the Planning Board considers if the proposal meets the requirements of the Zoning By-Law and looks at matters such as screening, vehicular and pedestrian traffic, and drainage. In order to grant the Use Special Permit, the Planning Board must make findings that the use as developed will not adversely affect the neighborhood, the specific site is an appropriate location for such a use, structure or condition, there will be no nuisance or serious hazard to vehicles or pedestrians, and that adequate and appropriate facilities will be provided for the proper operation of the proposed use.

The Applicant respectfully submits that the proposed redevelopment satisfies the requirements of the Zoning By-Law, will not adversely affect the neighborhood nor cause nuisance or hazard, and meets all of the other above-referenced standards and will be a benefit to the neighborhood, because:

1. The Resort's hotel/motel use is a longstanding use of the Property and will continue with no changes in its scope or function and with a minimal (12 additional units for a revised total unit count of 132 units proposed) increase in size;
2. Motel and Hotel uses and uses accessory to those uses are authorized in the RH-II Zoning District by special permit;
3. The proposed replacement structures are conforming as to building coverage, height, and building separation requirements;
4. Building coverage on the Property will remain conforming (8.1 %, 78,550 +/- sq. feet existing; 8.4%, 81,028 sq feet proposed; 30%, 289,830 sq. feet allowed);
5. Site coverage on the Property will be conforming (32.1 %, 309,743 sq. feet existing; 32.4%, 313,070 sq. ft proposed; 35%, 338,135 sq. ft maximum allowed);
6. Building height of the proposed construction will be conforming (30 feet maximum allowed, +/-29.4 feet proposed);
7. Non-conforming amenities coverage on the Property will be increased by less than fifty square feet (23.9%, 231,194 sq. ft existing; 24 %, 232,042 sq. feet proposed; 15% 14495 sq. ft allowed). This increase is primarily related to the relocation and redesign of pathways within the project area which will result in both environmental, pedestrian safety and service efficiency benefits at the Resort;

8. The proposed new structures, A, B, and K, will result in structures which will meet all current fire, life safety, ADA, and environmental codes and regulations;
9. The pathways connecting buildings A, B, and K with parking and other amenities will be redesigned to better accommodate both guests and guest services.

Pathways near Building K which are close to the resource area and steeply sloped will be removed and pulled back from the coastal bank so as to be safer to navigate and to have less impact on the resource area. Plantings throughout the project's area will be enhanced with a particular emphasis on increasing naturalized areas within the 0-50 foot buffer zone, resulting in environmental benefits;
10. Affected areas buffering neighboring properties will be supplemented with enhanced landscaping to screen the proposed buildings and enhance abutter privacy;
11. Non-conforming amenities coverage on the Property will be increased by less than fifty square feet (23.9%, 231,194 sq. ft existing; 24 %, 232,042 sq. feet proposed; 15% 14495 sq. ft allowed). This increase is primarily related to the relocation and redesign of pathways within the project area which will result in both environmental, safety and efficiency benefits at the Resort;
12. The redevelopment will not cause or contribute to any undue nuisance, hazard or congestion. As stated, the reconfiguration of walkways will reduce on-site hazards. The project will be well screened from neighbors and no closer than other existing resort lodging from the closest neighbor. (Rose cottage (No. 20) +/- 41 feet from closest abutter; Building A +/- 65 feet from same abutter; Building B (+/-54 feet from same abutter). The redevelopment will not affect the flow of

traffic on or off of the Resort. There will be no meaningful change in the operations of the Resort as a result of the addition of twelve guest units;

13. The number of parking spaces will remain conforming and the number of ADA spaces will increase and remain conforming;
14. The Harwich Conservation Commission has reviewed the proposal and issued an Order of Conditions determining that the redevelopment will comply with environmental regulations and will protect the environmental interests of the State and Harwich Wetlands Protections Acts and the Harwich Stormwater Protection By-Law;
 - A. There will be no negative impact on the Town's water supply or site drainage and no harm to groundwater. Run-off is anticipated to be in the form of roof drainage and such drainage will be collected and treated on site; and
 - B. The proposed re-development project includes stormwater management BMP's to manage and recharge/infiltrate stormwater runoff onsite from the roofs of the proposed buildings and hardscapes. Proposed roof runoff will be collected and treated using infiltration basins that are sized for a 100-year 24-hour storm event. Hardscape runoff will also be treated using infiltration basins that are sized for a 100-year, 24-hour storm event. By infiltrating for the 100-year storm event, the proposed work will reduce the potential of erosion to the coastal bank by stormwater runoff significantly.
15. The site will continue to be served by required utilities and necessary public services;
16. All of the redevelopment will be connected to the existing onsite Wastewater Treatment Facility. This Facility is governed by a Groundwater Discharge

Permit issued by the Massachusetts Department of Environmental Protection:

- 17 No noise, litter, odor, lighting spreading off-site or other sources of potential nuisance or inconvenience to adjoining properties, public ways or neighbors are anticipated, and the proposal will not adversely affect the public good; and
- 18 The redevelopment will result in an attractive and complementary component of the Property and will be a benefit to the community.

For all of the above reasons, the Applicant respectfully requests that the Board make findings as set forth in Sections 325-51 and 325-55 of the Zoning By-Law and grant a Site Plan Review Special Permit and a Use Special Permit allowing the redevelopment to be completed as shown on the submitted plans.