



TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Craig Chadwick Vice Chair, Mary Maslowski,
Anne Clark Tucker and Emily Brutti, Harry Munns and Allan Peterson

Certificate of Action Site Plan Special Permit Approval

October 20, 2023

James Bustamante, Agent for Royal Apartments, LLC
Longfellow Design Build, Inc.
367 Main St.
Falmouth, MA 02540

Dear James,

Please be advised that at a duly advertised, posted and noticed public hearing opened on October 10, 2023, the Harwich Planning Board (the 'Board') **voted unanimously to approve** with conditions a Modification of a Site Plan Special Permit (PB2019-47) in accordance with the Harwich Zoning Bylaw Sections 325-51 and 325-55 to allow for a change in the exterior lighting after recommendations from the Harwich District and Historic Commission.

Case No.: PB2023-30

Applicants: Royal Apartments, LLC

Agent: James Bustamante

Location: 328 Bank St.; Assessor's Map 41, Parcel N4

Owners: Royal Apartments, LLC

Zoning Districts: MR-L and Harwich Center Overlay

Decision Date: October 10, 2023

SUMMARY OF PROCEEDINGS:

The public hearing in this matter was opened on Tuesday, October, 2023 at 6:45 PM in the Griffin Room at Town Hall as well as via remote participation using GoToMeeting. Due notice was given to all abutters within 300' of the Subject Property deemed affected as shown on the latest tax rolls of the Town, as well as the four abutting Towns and by publication in the Cape Cod Chronicle on September 21, 2023 and September 28, 2023. The plans were distributed to the Health Department, Conservation Department, Highway Department, Police, Fire and Water Departments for comments. Comments received by each were distributed back to the Applicant's agent.

RECEIVED
TOWN CLERK
HARWICH, MA
2023 OCT 24 P 2:00

Acting and voting on the matter were: Duncan Berry, Chairman, Craig Chadwick Vice Chairman, Mary Maslowski, Emily Brutti, Ann Clark Tucker and Harry Munns and Allan Peterson

The Applicant's Agent, James Bustamante presented the case to the Planning Board noting specifically the changes to the height, design and number of light poles. The Board reviewed the materials. Ms. Maslowski clarified involvement by the HDHC and the limitation of the decision to only the change in the lighting plan. Public comments included concerns about light pollution from Marla Menzies, Stan Moody and Diane Rinkacs. After accepting testimony from all parties having an interest in the case and allowing a 10-minute recess for the Applicant and the abutters to discuss their concerns, the Board voted to close the public hearing. The vote was unanimous. The members then deliberated and reviewed the criteria for granting a Modification to a Site Plan Special Permit in accordance with section 325-55 of the Zoning Bylaw.

The decision in this matter is based upon the application, supporting documentation, public testimony and evidence provided at the hearing. Copies of the official records are located in the Planning Department files and are incorporated into the record by this reference.

Information Submitted

- 1) Form A and Narrative;
- 2) Municipal Lien Certificate;
- 3) 8 Pages of Product Descriptions, Technical Specifications and photos of Lighting Poles and Fixtures;
- 4) Plans SP1 and SP2 Landscape and Parking Lot Light and Electrical Plan by David H. Dunlap Associates, Inc. dated 10/13/20;
- 5) Abutter Application;
- 6) Application Fee.

Findings of the Harwich Planning Board

On a motion from Mr. Peterson with a second by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) to adopt the following findings:

1. The Applicant, The Royal Apartments, LLC is the property owner.
2. The subject property address is 328 Bank Street, Harwich, MA (Map 41 Parcel N4) and is approximately 1.893 acres, located within the MR-L and Harwich Center Overlay Zoning Districts.
3. The Applicant received a Site Plan Special Permit and a Use Special Permit from the Planning Board in 2020 (PB2020-26).
4. The Applicant sought review by the Harwich District and Historic Commission (HDHC) on 7/26/2023.
5. The Applicant applied on 9/14/23 to the Planning Board seeking a Modification to the Site Plan Special Permit in order to change exterior lighting after recommendation by the HDHC.
6. The application is pursuant to Section 325-55 of the Harwich Zoning Bylaw.
7. Subject to the conditions of approval stated herein, the application and site plan, as modified, conform to Sections 325-55 of the Harwich Code.
8. The Board re-adopts the findings of the original Site Plan Special Permit, PB2020-26.

9. The Planning Board held a public hearing on the application October 10, 2023.

At the October 10, 2023 Planning Board meeting, Mr. Peterson made a motion which was seconded by Mr. Chadwick that the Board grant the requested modification to the Site Plan Special Permit that was granted in 2020 as PB2020-26 for the property at 328 Bank Street in order to substitute the original lighting plan with the photometric plan noted above and submitted with this application.

IN FAVOR: Mr. Berry, Mr. Chadwick, Ms. Maslowski, Ms. Brutti, Ms. Clark Tucker, Mr. Munns and Mr. Peterson.

OPPOSED: None

ABSTAINED: None

Conditions of Approval

1. The proposed modification shall be in accordance with the documents referenced in the application above.
2. This decision shall run with the property.
3. This decision shall not be effective until the approved Certificate of Action is recorded at the Barnstable Registry of Deeds. The Applicant shall submit proof of recording to the Planning Department.
4. Changes to the site not authorized under the original decision or this modification may require further Planning Board review and modification to this decision.
5. The Applicant shall conform to the inspection, certification and as-built plan requirements outlined pursuant to the Site Plan Special Permit section of the Harwich Code.
6. This modification is subject to the conditions of the Special Permit granted as PB2020-26 except as they might be amended here.

This special permit shall lapse at the end of two (2) years from the date of filing of the Board's decision in the office of the Town Clerk if substantial use or, in the case of permit for construction, if construction has not commenced, without good cause.



Duncan Berry, Chairman

24 October 2023

Date

Appeal from the above decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days of the date of filing hereof with the Town Clerk.

This Decision has been filed with the Town Clerk on:

October 24, 2023


Town Clerk

This is to certify that twenty days have elapsed after this decision was filed in my office and no appeal has been filed.

Date filed: _____

Twenty Days Elapsed: _____

Town Clerk

cc: Emily Mitchell, Town Clerk
Jack Mee, Building Commissioner
Carlene Jones, Assessor
James Bustamante