



TOWN OF HARWICH PLANNING BOARD

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

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2024 JAN 25 P 1:28

Certificate of Action Modification of a Site Plan Special Permit Approval

January 22, 2024

Joseph Young, Coastline Construction
c/o Attorney James Norcross
P.O. Box 1599
Harwich, MA 02645

Please be advised that at a duly advertised, posted and noticed public hearing opened on January 9, 2024, the Harwich Planning Board (the 'Board') **voted to approve** with conditions a Modification of a Site Plan Special Permit granted on August 8, 1986 in accordance with the Harwich Zoning Bylaw Sections 325-51 and 325-55 to allow for the building of a 229 sf rear addition for office space and a 125 sf front porch.

Case No.: PB2024-01

Applicants: Coastline Construction

Location: 466-1 Route 28, Harwich Port, MA 02646, Assessor's Map 13, Lot F8-B1

Owner: Coastline Construction, Inc.

Owner's Address: 611 Route 28, Harwich Port, MA 02646

Zoning District(s): Commercial Village District and Residential Moderate Density District.

Deed Reference: Book 34654, Page 83

Decision Date: January 22, 2024

SUMMARY OF PROCEEDINGS:

The public hearing on this matter was opened on Tuesday, January 9, 2024 at 6:30 PM in the Griffin Room in Town Hall. 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 December 21, 2023 and December 28, 2023. The plans were distributed to the Health Department, Conservation Department, Highway Department, Police, Fire and Water Departments for comments.

Acting and voting on the matter at the January 9, 2024 hearing were: Duncan Berry, Mary Maslowski, Ann Clark Tucker, Emily Brutti, Harry Munns and Allan Peterson.

The Applicant's Representative, Attorney James Norcross presented the case to the Planning Board who reviewed the materials and asked for clarifications on details of the proposal. The

PB2024-01 Mod of SPR Coastline Construction 466-1 Rt. 28

Town Planner noted that the building is pre-existing non-conforming and the proposal requires zoning relief from the required side setbacks in the Commercial Village District. It was noted that the project is scheduled to go before the ZBA at the end of January and it was recommended that Planning Board approval could be conditioned pending Zoning Board of Appeals approval. There were no public comments. After accepting testimony from all parties having an interest in the case, the Board voted to close the public hearing 6-0-0. The members then deliberated and reviewed the criteria for granting a Modification of a Site Plan Special Permit in accordance with sections 325-51 and 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

- Form A and Narrative;
- Municipal Lien Certificate;
- Existing/Proposed Conditions Plan of Land In Harwich Port, Massachusetts as prepared for Coastline Construction, Inc., dated **7/11/23**;
- Floor Plan Drawings, existing and proposed, by Coastline Design page A3 dated **11/16/22**;
- Deed for the property dated 11/10/2021;
- Abutter Application;
- Application Fee.
- Project review memorandum from Christine Flynn, Town Planner dated 1/2/24.

Vote of the Harwich Planning Board

On a motion from Mr. Peterson with a second by Ms. Maslowski, the Planning Board voted unanimously (6-0-0) to adopt the following findings:

1. The Applicant is the property owner of 466-1 Route 28.
2. The subject property address is 466-1 Route 28, Harwich Port, MA (Map 13 Parcel F8-B1) and there are four condo buildings on the lot which is 41,745 sf, located within the Commercial Village and Residential Medium Density Zoning Districts.
3. The current use of the building is a professional business office used by Coastline Construction.
4. The Applicant proposes to build a 229 sf office addition and a 125 sf deck/porch. The Applicant requires Zoning Board of Appeals relief for the pre-existing nonconforming side setback in the CV District.
5. The Applicant has applied to the Planning Board for a Modification of a Site Plan Review Special Permit granted in 1986 pursuant to Section 325-55 of the Harwich Zoning Bylaw.
6. The application was filed with the Town on December 11, 2023.
7. Subject to the conditions of approval stated herein and pending ZBA approval, the Application and site plan, as modified shall conform to Sections 325-55 of the Harwich Code.

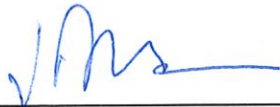
Mr. Peterson then moved that the Board grant the requested Modification of Site Plan for Case # PB2024-01 Coastline Construction, Inc., for the property located at 466-1 Route 28, Harwich Port, MA (Map 13 Parcel F8-B1) pending ZBA approval with the following conditions:

- The proposed additions shall be in accordance with the site plan referenced in the application materials.
- This decision shall run with the property.
- The project requires zoning relief, for the side setback, from the Harwich Zoning Board of Appeals.
- This decision shall not be effective until after the Zoning Board of Appeals approval is granted and after both board decisions, Planning Board and Zoning Board of Appeals, are recorded with the Barnstable Registry of Deeds.
- Changes to the site not authorized under this decision will require further Planning Board review and modification to this decision.
- The Applicant shall conform to the inspection, certification and as-built plan requirements outlined pursuant to the Code of the Town of Harwich.

Ms. Maslowski seconded the motion and it was approved by the Board 6-0-0.

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

OPPOSED: None



Duncan Berry, Chairman

1/24/2024

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:

January 23, 2024

Emily Mitchell
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
Rachel Lohr, Zoning Board of Appeals
Jack Mee, Building Commissioner
Carlene Jones, Assessor