

**Thomas and Mary Ann Simpson
41 Grassy Pond Road
Harwich Port, MA 02646**

Planning Board
Town of Harwich
723 Main Street
Harwich, MA 02645

November 20, 2023

Re: #PB2023-04 application for a Special Permit for a Two-Family Dwelling by Oliver Homes, LLC

Dear Chair Berry and Planning Board Members:

We are writing the Planning Board to stress our opposition to granting Oliver Homes, LLC a Special Permit for or a Two-Family Dwelling. It does not meet current Zoning Laws.

This has gone on too long. The board has been more than patient with Oliver Homes LLC constant changes to get a Special Permit to circumvent the current Zoning By-Laws.

Mr. George Oliver said himself in a letter he dated on January 17, 2022, “Looking to add a 2nd house on the property to create a 2 family.” The house he is looking to add is a single standing house of approximately 3,000 sq. ft 45ft from his existing house. He seems to believe by adding a covered walkway from the added house to his gazebo and another covered walkway from the gazebo to his existing house makes the two independent houses now one.

Oliver Homes LLC knew when they purchased the property which consisted as a house and a one car garage which had no plumbing or septic service. They then said it had a preexisting second house on the lot. The Planning Board referred it to the town counsel for an opinion on a pre-existing second house that turned out to be a non-existing house. The family of the seller to Oliver Homes LLC gave a legal affidavit that there was no second home on the property. So, that put them back on the path of the fictitious 2 family house.

The town counsel did address the second driveway off Grassy Pond Road and said that it would be against the current zoning regulation. I am sure that will be coming up next, bottom line they can't do it.

Let's first correct the record. This is not an “alternative” access as the owners are not planning to remove the current access on Miles Street. This is an “additional” access presented as an “existing driveway” in the application plan. The Highway Dept was told that this request was for a temporary alternative access road for construction of a pool.

The Highway Dept understood the request for a “temporary” alternative access road for the construction of a pool and issued the permit, so heavy equipment could be brought in to do the work. The pool and pavilion have been completed and the temporary alternative access is no longer needed.

The construction of the temporary driveway/road by Oliver Homes LLC was so poorly done and without regard to the damage caused to the town road and their neighbor's property. The construction has caused disturbance with existing drainage with excessive run-off causing erosion on the road, flooded their neighbor's driveway and garage and killing a 75-year-old oak tree. Imagine the damage that will be done five years from now when cars and trucks are going in and out of this access road. The town and the neighbor will be bearing the expenses for constant repairs to the road and their property.

This is a problem being caused by Oliver Homes LLC and they should be held responsible to restore the property abutting Grassy Pond Road, and the neighbor's property to its original condition and effect re-vegetation of the area now.

A town official needs to tell Oliver Homes LLC that they have no permit for the illegal driveway that they put in and it must be removed NOW at Oliver Holmes LLC expense.

I won't go over all the issues that the other letter address:

- Road Safety
- Low Density Residential District
- Legal Frontage
- Street Parking
- Environmental Damage

Let's stay focused on the basic issues:

- They are looking for a Special Permit to get around the Zoning Regulation.
- 2 self-contained houses with a covered walkway makes a 2-family house, no it doesn't.
- 25 abutters many of them have lived here for decades have asked the Planning Board to **Deny** the Special Permits that Oliver Homes LLC and not one 0 has spoken in favor of issuing a special permit. 25 to 0, who is on the right side of this real estate charade?

I ask the Board Members if you were an abutter to 86 Miles Street would you be asking the board to deny the Special Permits and enforce the Zoning Laws that the town has in place?

We respectfully request that you do the right thing **Deny the Special Permits.**

Sincerely,

Thomas J. Simpson
Mary Ann Simpson