

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

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

April 3, 2023

Re: #PB2023-12 application for a Special Permit for Alternate Access by Oliver Homes, LLC  
#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 strong opposition to granting Oliver Homes, LLC a Special Permit for both an Alternate Access and for a Two-Family Dwelling. Neither one meets current Zoning Laws.

Oliver Homes LLC knew when they purchased the property that this parcel could not be subdivided into two lots with a home on each. This is one lot with one house on it which is why they are calling it a two family home of 6,100 sq. ft.

**Alternate Access #PB2023-12**

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 and the Building Dept were both told that this request was for a temporary alternative access road for construction of a pool.

The Highway Dept understood the request to be a "*temporary*" alternative access road for the construction of a pool and pavilion and issued the permit, maybe in error. The pool and pavilion have been completed and the temporary alternative access is no longer needed.

The construction of the temporary road by Oliver Homes LLC was poorly done and without regard to the damage caused to the town road and their neighbor's property at 38 Miles St. 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 killed a 75-year-old oak tree. The dying oak tree's location next to the driveway of 38 Miles St. makes it a hazard as there is a real risk that it could fall onto the owners' cars parked in the driveway. 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.

**Zoning for an Alternate Access**

86 Miles Street is the property's legal address. It has 127 feet of frontage on Miles Street compared to 17 feet on Grassy Pond Road.



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- I think Zoning says you can only have one access driveway per lot?
- 86 Miles Street has a wide paved driveway that can access any point on the lot.
- Oliver Homes LLC shows on their new site plan an “*existing driveway*” onto Grassy Pond Road, this *Does Not Exist*. (You give an inch and they will take a mile.)

Grassy Pond Road is a very narrow road of which I am sure you are aware. It is a very quiet country road in a tranquil setting where children can be safe riding their bikes or hot wheels. It was never designed to handle traffic or have people parking overnight on the roadway.

#### **Two-Family Dwelling #PB2023-04**

Oliver Homes LLC wants to add onto the Existing 3,000sq ft house making it a two-family house a little over 6,100sq ft. They show a plan with two 3,000sq ft houses connected by a 50 foot covered walkway.

Let's look at the facts:

- Property is situated in the Residential Low Density District (RL District)
- Size of this home would be 6,100 sq. ft. Size of the average homes in the area 1,734 sq. ft. Average size of homes on Grassy Pond Road 1,478 sq. ft. The current house at 86 Miles Street doesn't fit the neighborhood at 3,000 sq. ft. but it is here. At 6,100 sq. ft. there is no question it doesn't fit, shut it down.
- This is really two single family houses on one lot located at 86 Miles Street.
- How is septic going to handle it – a one or two family house?

#### **Zoning Laws**

Over the years Towns have established Zoning Laws to assure the orderly growth of communities. It set boundaries to guide the growth, protect the residents' property values and sets the image and character of the town. Harwich is the classic “Old Cape Cod” that draws people from all over the world. We need to trust that the Town will apply the Zoning By-Laws fairly and take into consideration strong objections of the property owners.

Oliver Homes LLC are in the real estate business to make money, by maximizing the value of their investments. They do not consider the long-term. What could happen to the Grassy Pond/Miles neighborhood if this property is sold after receiving approval for an *additional* access and *two* houses (called one house) that total 6,100 sq. ft. in a Residential Low Density District?


In this case 25 abutters have asked the Planning Board to Deny both Special Permits that Oliver Homes LLC has requested and not one abutter has spoken in favor of issuing a special permit.

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 **Deny the Special Permits.**

Sincerely,

  
Mary Ann Simpson

  
Thomas J. Simpson