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August 15, 2022

Mr. Duncan Berry, Chairperson
Town of Harwich Planning Board
c/o Harwich Town Hall
732 Main Street
Harwich, MA 02645

Re: 575 Main Street, Harwich Port Project

Dear Mr. Berry:

Please be advised that I represent Dennis E. Miller, principal of Main Street HP, LLC concerning the proposed development of 575 Main Street, Harwich Port, currently before the Town of Harwich Planning Board for approval.

First, I am enclosing herewith a copy of my opinion letter to my client regarding the easement concerning the property at 569 Main Street for your file.

Secondly, upon approval of the project by the Board, Mr. Miller will convey 575 Main Street to 575 HP, LLC, which is another existing entity of which he is the principal member. The developed property known as 571 Main Street will be conveyed to a new entity to be known as 571 HP, LLC, of which Mr. Miller will be the principal member, and the vacant lot known as 569 Main Street will remain in the ownership of Main Street HP, LLC, of which Mr. Miller is the principal. Consequently, 569, 571 and 575 Main Street will all be owned by separate entities and not in common ownership. 575 HP, LLC as owner of 575 Main Street will have a fee-based agreement with Main Street HP, LLC, as owner of 569 Main Street (the vacant lot) to have the parking spaces to be constructed on 569 Main Street credited to the commercial project to be developed on 575 Main Street for as long as said project requires a credit for said parking spaces by this Board. Similarly, 575 HP, LLC will have a fee-based agreement with 571 HP, LLC to have the parking spaces currently located on 571 Main Street credited to the commercial project to be developed on 575 Main Street for as long as said project requires credit for said parking spaces by this Board and also for access to said project at 575 Main Street.

Consequently, since the vacant lot at 569 Main Street will not be owned by the project to be developed on 575 Main Street, in my opinion it would not

necessitate notice requirements concerning 569 Main Street as it will not be a part of the development at 575 Main Street other than providing credit for parking spaces for the same. Thus the Board should be free to proceed and make a Decision at the August 23, 2022 meeting concerning the proposed development of 575 Main Street.

Finally, if the Board approves the proposed development for 575 Main Street then the Petitioner will submit within forty-five days from the expiration of the appeal period of a favorable decision, with no appeals having been made, a draft of the aforementioned fee-based agreements with the 569 and 571 Main Street properties for approval by this Board and/or the legal representative for the Town of Harwich prior to the issuance of an occupancy permit for the proposed project for 575 Main Street. Thank you very much.

Very truly yours,



William D. Crowell, Esq.

WDC/sjh