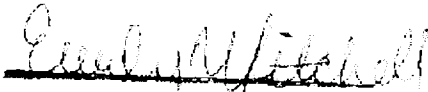


A TRUE COPY, ATTESTTOWN CLERK OF
HARWICH, MASSCOMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH PLANNING BOARD
DECISION- USE SPECIAL PERMITRECEIVED
TOWN CLERK
HARWICH, MA

2022 JUL -8 A 11:45

Case No.: PB2022-14
Owner/ Applicant: Kathleen E. and J. Alain Ferry
Barnstable Registry: Deed Book 33313 Page 55
Property: 44 Chatham Road, Harwich 02645 (Assessors Map 44 Parcel A4)
Decision Date: July 8, 2022

Findings

1. The subject property is 44 Chatham Road, Harwich, Assessors Map 44 Parcel A4, in the Multi-Family Residential Low Density (MR-L1) and Drinking Water Resource Protection (W-R) zoning overlay district.
2. The lot is 89,275 Sq. Ft. (2.05 Ac.+/-).
3. The subject property is improved with a single family dwelling with attached single bay garage and a 2 story, detached, residential accessory structure ("Barn") currently permitted for storage. The plot plan depicts an existing shed to the rear of the Barn. The narrative describes a pool.
4. The applicant proposes to convert the Barn into a two (2) bedroom, three and one half (3 1/2) bath, residential accessory structure with garage/storage. The application is pursuant to the Town Code §325-14.Q and is subject to a Special Permit Review pursuant to §325-51.
5. The application was accepted with the Town Clerk's office on May 13, 2022 and includes applicable and relevant submission materials required the Board's Rules and Regulations. Among other things, the application includes:
 - a. Project Narrative
 - b. Proposed and Existing Floors Plan Set, , 6 sheets, dated May 17, 2021, by Babbitt Design, 85 McGuerty, Eastham, MA:
 - i. A-1 "Proposed first floor plan"
 - ii. A-2A "Proposed second floor plan option- A"
 - iii. A-3 "Proposed basement plan"
 - iv. A-4 "Existing first floor plan"
 - v. A-5 "Existing second floor plan"
 - vi. A-6 "Existing basement plan"
 - c. Stamped Plan entitled "Certified Plot Plan in Harwich, Prepared for: Arthur F. Hannigan, Jr.", dated June 25, 2020, prepared by Moran Engineering Assoc., LLC, 941 Main Street (Route 28), So. Harwich, MA.
 - d. Stamp Perimeter Plan entitled "Plan of Land in Harwich, Mass prepared for Leslie Hannigan", dated May 14, 1998, by Moran Engineering Assoc., LLC, 941 Main Street (Route 28), So. Harwich, MA.
6. The net floor area of the proposed conversion noted on the plan set is approximately 2,062 SQFT.
7. The Board Health has conditioned the approval and issuance of a building permit in a report dated June 22, 2022.
8. The use shall be incidental and subordinate to the principal single family dwelling use.

9. The Barn shall not contain a stove with an oven.
10. The proposal meets the applicable special permit criteria set out in the Harwich Zoning Bylaw Section 325-51 A.(1) to grant a Use Special Permit for an Accessory Structure with bedrooms;
 - (a) The project will not adversely affect the neighborhood as a single family dwelling with a residential accessory building with bedrooms, is a residential use.
 - (b) The specific site is an appropriate as it is a residential zone.
 - (c) There will be no nuisance or serious hazard to vehicles or pedestrians.
 - (d) Adequate and appropriate facilities will be provided for proposed use as conditioned by the Board of Health.
11. The Planning Board held and closed a duly-noticed public hearing on the request at its meeting on June 28, 2022.

RECORD OF VOTE/ DETERMINATION

Present, acting and voting on the matter June 28, 2022 were members Mr. D. Berry (Chair), Ms. M. Maslowski, Mr. C. Chadwick, Mr. D. Harris, Mr. Wm. Stoltz and Ms. A. Tucker.

Based on the aforementioned findings, in Case Number PB2022-07, Applicant Kathleen E. and J. Alain Ferry, the Board voted unanimously (6-0-0) b to grant a Use Special Permit for an accessory structure with bedrooms to the primary single family residential use at 44 Chatham Road. Said grant and approval is subject to the following conditions.

Conditions of Approval

1. The project shall obtain Board of Health approvals, as required, under their applicable regulations.
2. The Barn shall not contain a stove with an oven.
3. The project shall be undertaken consistent with the plans referenced in the application material set out above.
4. This Decision shall not be effective until it is recorded with the Barnstable County Registry of Deeds.

Copies of this Decision and all plans referred to in the Decision have been filed with the offices of the Planning Board and Town Clerk.

The Use Special Permit shall lapse at the end of two (2) years from the date of filing of this Decision in the office of the Town Clerk, which shall not include such time required to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, Section 17 from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Duncan Berry, by
 Duncan Berry, Chair
Clair Bonta

(Continued next page)

