



TOWN OF HARWICH PLANNING BOARD

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

December 12, 2023

Joseph W. Kahn and Wendy Kahn
c/o Paul Muldoon, Muldoon Architects LLC
571 Route 28
Harwich Port, MA 02646

Please be advised that at a duly advertised, posted and noticed public hearing opened on November 28, 2023, the Harwich Planning Board (the 'Board') **voted 5-0-0 to approve** with waivers and conditions a Special Permit in accordance with the Harwich Zoning Bylaw Table 1, Use Regulations, Paragraph 1(b), Section 325-2, Accessory Building Residential With Bedrooms and Section 325-51, pursuant to MGL c. 40A Section 9 in order to repurpose an existing Garage/Residential Accessory Structure with one bedroom by renovating the garage portion into an Accessory Building with two (2) Bedrooms located at 1388 Halls Path.

This Certificate of Action will be filed with the Town Clerk's Office where it will need to stay until the twenty-day appeal period expires. At that time, you may contact them for an "Attested Copy" of the decision showing that no appeals have been taken. You then need to take that copy to the Barnstable County Registry of Deeds to have it recorded and stamped. Please return a copy of that stamped decision to the Planning Office.

Feel free to contact me with any questions.

Regards,

Shelagh Delaney, Planning Assistant
508-430-7511



TOWN OF HARWICH PLANNING BOARD

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

RECEIVED
TOWN CLERK
HARWICH, MA

2023 DEC 13 A 9:33

Certificate of Action Special Permit Approval

Case No.: PB2023-36

Applicants: Joseph W. Kahn and Wendy Kahn

Location: 1388 Halls Path

Owners: Joseph w. and Wendy Kahn

Zoning District(s): Residential Rural (RR), Drinking Water Recharge Protective District (DWRPD) Zone II.

Assessors: Map 106, Parcel G6-4

Decision Date: December 12, 2023

SUMMARY OF PROCEEDINGS:

The public hearing in this matter was opened on Tuesday, November 28, 2023 at 6:30 PM in the Griffin Room at Town Hall as well as via remote participation using GoToMeeting. 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 November 9 and November 16, 2023. The plans were distributed to the Health Department, Conservation Department, Highway Department, Police, Fire and Water Departments for comments. Comments received by each were distributed back to the Applicant's agent and to the Board members.

Acting and voting on the matter were: Mary Maslowski, Emily Brutti, Ann Clark Tucker, Harry Munns and Allan Peterson.

The Applicants were represented by Paul Muldoon of Muldoon Architects LLC who presented the case to the Planning Board. The Board reviewed the materials and asked for clarifications and details. The Board then opened the hearing for public comments. There were none. After accepting testimony from all parties having an interest in the case, the Board voted to close the public hearing. The vote was 5-0-0. The members then deliberated and reviewed the criteria for granting a Special Permit in accordance the Code of the Town of Harwich Table 1, Use Regulations, Paragraph 1(b), Section 325-2, Accessory Building Residential With Bedrooms and Section 325-51, pursuant to MGL c. 40A Section 9 in order for the Applicants to repurpose an

At the November 28, 2023 Planning Board meeting, Mr. Peterson made a motion, seconded by Ms. Clark Tucker to adopt the requested Waivers as follows:

- a) Waiver from Drainage Calculations and Drainage Area Map;
- b) Topography and Wetland Protection Act information;
- c) Detailed Plan Contents;
- d) Ground Water Flow information.

The Board voted in favor 5-0-0.

Mr. Peterson then moved with a second by Ms. Clark Tucker that the Board grant the requested Special Permit to repurpose an existing Garage/Residential Accessory Structure with one bedroom by renovating the garage portion in order to create an Accessory Structure with Bedrooms (2) for the property located at 1388 Halls Path.

This Special Permit was granted with the following conditions:

1. This decision shall run with the property.
2. This decision shall not be effective until the approved Special Permit Certificate of Action and the Plan are recorded at the Barnstable Registry of Deeds. The Applicants shall submit proof of recording to the Planning Department prior to the start of construction.
3. Changes to the site plan not authorized under this decision will require further Planning Board review and modification to this decision.
4. The Applicants shall conform to all inspection, certification and as-built plan requirements outlined pursuant to the Special Permit section of the Harwich Code.

The Board voted unanimously in favor. 5-0-0

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

OPPOSED: None

ABSTAINED: None

This special permit shall lapse at the end of two (2) years from the date of filing of the Board's decision in the office of the Town Clerk if substantial use or, in the case of permit for construction, if construction has not commenced, without good cause.



Duncan Berry, Chairman

12/12/23

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:

December 13, 2023


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
Jack Mee, Building Commissioner
Carlene Jones, Assessor
Paul Muldoon