***Memorandum***

**From**: Shelagh Delaney, Planning Assistant

**To**: Planning Board

**RE**: Case PB 2023-24 – LaBarge Site Plan Special Permit

**Date**: July 13, 2023

**Applicant**: Todd LaBarge

**Locus:** 237 Route 28

**Land Owners:** Todd LaBarge & Lori LaBarge

**Land Owners’ Address:** 237 Route 28, West Harwich, MA 02671

**Assessor’s Map:** 12-N1-1

**Zoning District:** Commercial Highway (CH-1) Zoning District

**Development Type:** Infill

**Lot Area:** 16,715 sf

**Project Description:** The Applicant is requesting a Site Plan Review Special Permit in order to construct a small (163 sf) addition to enhance existing office space.

**Applicable Laws & Regulations:** The application for a Site Plan Review Special Permit is in accordance with Sections 325-55 and 325-51 of the Harwich Zoning Bylaw and pursuant to MGL Ch 40A Section 9.

**Application Documents:** The Applicant has submitted the following documents as part of their application.

* Form A, Special Permit Application and Narrative;
* Sewage Disposal System Profile dated 5/23/1991;
* Building Plans/Elevations (existing & proposed), Pages EX1, Ex2, A1, A2 & A3;
* Municipal Lien Certificate;
* Abutter Request Form;
* Filing Fee

**Project Review Process:** On 6/21/23 the Applicant’s representative submitted the application for a Site Plan Special Permit. The public hearing notice was advertised on the Town website and in the Cape Cod Chronicle on July 6, 2023, and July 13, 2023. The application package was sent to the following Departments inviting them to comment on the project. The application was sent to the Health, Water, Fire, Conservation, Public Works, and Police Departments.

**Hearing Date**: The Public Hearing is scheduled for 7.25.23.

**Informal Staff Comments:**

The Applicant is seeking a Site Plan Review Special Permit with Waivers in order to construct a small, 163 sf addition to enhance existing office space.

The Board needs to review the following conditions of the Site Plan Review Special Permit to determine if the application warrants a positive vote.

**Section 325-55 Site Plan Review**
Conditions of approval.

[**(1)**](https://ecode360.com/12263538#12263538)

If the site plan meets the requirements of this bylaw and the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended, the Planning Board shall approve it. Notwithstanding the foregoing, such approval may include reasonable conditions to ensure that:

[**(a)**](https://ecode360.com/12263539#12263539)

Reasonable measures are implemented to provide for screening of parking areas or other parts of the premises, for adjoining premises or from the street, by walls, fences, plantings or other devices.

[**(b)**](https://ecode360.com/12263540#12263540)

The convenience and safety of vehicular and pedestrian traffic are enhanced.

[**(c)**](https://ecode360.com/12263541#12263541)

Surface water from parking areas and driveways will be efficiently and safely disposed of by means of a proper drainage system as specified in the Board's approval.

[**(2)**](https://ecode360.com/12263542#12263542)

However, the Board cannot deny approval of a site plan for a use which is allowed by right (not by special permit) in the district but may impose reasonable conditions on the proposed use. The Board may not impose conditions on the grant of a special permit the implementation of which would be contrary to any requirement of this bylaw or require a variance from it or any other applicable provision of law.

**WAIVERS**

The Applicant has requested the following waivers:

* Drainage – 163 sf addition will be under existing roof line and will have no impact to existing site drainage;
* Parking – Addition falls below the trigger area of 200 sf for any additional parking spaces. There are currently 13 spaces;
* Landscaping – No changes to current landscape features;
* Traffic – Small addition will have no impact on the use of the property nor the traffic into or around the property.

**Section 325-51 Special Permits**

“[**A.**](https://ecode360.com/12263349#12263349)Conditions of approval.

 [**(1)**](https://ecode360.com/12263350#12263350)The Board of Appeals or Planning Board shall not approve any application for a special permit, except a special permit for a site plan, unless it finds that in its judgment all of the following conditions are met:

[**(a)**](https://ecode360.com/12263351#12263351)The use as developed will not adversely affect the neighborhood.

[**(b)**](https://ecode360.com/12263352#12263352)The specific site is an appropriate location for such a use, structure or condition.

[**(c)**](https://ecode360.com/12263353#12263353)There will be no nuisance or serious hazard to vehicles or pedestrians.

[**(d)**](https://ecode360.com/12263354#12263354)Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayments.”

I recommend the Board take all relevant testimony from interested parties and vote to close the public hearing before deliberation regarding compliance with the above noted sections of the Bylaw.