

Mason – 544 Main Street

The subject Units 1 and 2 of The Mason Jar Condominium are located completely within the CV Zoning District. Unit 4 and a portion of the common area of the Condominium is located in the RM Zoning District as can be seen on the Site Plan dated August 1, 2022 by Outermost Land Survey, Inc. submitted herewith.

The Petitioner is seeking a Special Permit for a mixed-use development pursuant to Section 325–51.M of the Bylaw and pursuant to Section 325–51.L as it is located within the Village Commercial Overlay District in Harwich Port. There will be no change to the footprint of Units 1 & 2 as the only changes will be internal in Unit 1 on the first floor only as drawn in on a copy of Plan Book 629 Page 64 submitted herewith. Unit 1 was formerly The Mason Jar establishment and the Petitioner is seeking permission to have the major portion of Unit 1 be used for residential purposes and a small portion of Unit 1 (formerly the dining room for The Mason Jar) be used for commercial purposes for an art studio. The art studio will face Route 28, however, in addition to the art studio there are presently commercial uses of Unit 3 (Port Framing) and Unit 4 (Mason Tree Service) which both face School House Road (which is a public way as opposed to a parking lot), and are all on the first floor. Consequently, the Condominium Complex containing the four Units will have more than the required 33% of the floor area of the buildings being dedicated to commercial uses located at the front of Units 1, 3 and 4 facing streets. The previous Town Planner, John Idman, informed the Petitioner that all four Units, in the aggregate, could be used to calculate their minimum of 33% of floor area dedicated to commercial use pursuant to the By-Law. The total commercial floor area will be 2573 square feet. The total commercial and residential floor area is 5591 square feet, which results in a percentage of 46% being dedicated to commercial use.

The total square footage of the Condominium common area as shown on said Site Plan is 16,079 square feet, more or less. The use of a major portion of Unit 1 for residential purposes will constitute a third residential unit (there is a residential unit above Unit 1 and a residential unit above the Port Framing shop which is Unit 3) and therefore meets the requirement in the Village Commercial Overlay District of 5000 square feet of lot area per residential unit.

The Petitioner is also seeking a Waiver of Site Plan Review as the existing parking spaces for what was formerly The Mason Jar establishment and the entire Condominium Complex have and will not change due to the aforementioned renovations and change in use to a mixed-used development. Furthermore, it is also submitted that there will be less demand for parking with the proposed residential use of Unit 1 as opposed to the former commercial use by The Mason Jar establishment. Consequently, the Petitioner requests a Waiver of Site Plan Review based upon the foregoing and as shown on the aforementioned Site Plan submitted herewith.

In summary, then, the Petitioner requests Special Permit approval by this Board for the existing mixed-use as well as the proposed mixed-use for this property as the same will not adversely affect the neighborhood, the site is an appropriate location for such uses, it will not constitute a nuisance or serious hazard to vehicles or pedestrians, and the existing septic system is adequate for the proposed mixed-use development.

# TOWN OF HARWICH PLANNING DEPARTMENT

## PLANNING BOARD APPLICATION



TO THE TOWN CLERK, HARWICH, MA

DATE 8/9/22

### PART A - APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	Kenneth + Jill Mason TRUSTEES OF MASON FAMILY REALTY TRUST
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Aly. William Crowell 466 MAIN ST. HARWICH PORT, MA 02646
Mailing address	22 Homer Rd.
Town, ST, Zip	Harwich Port, Ma. 02646
Phone	508 326-5371
Fax	
E-mail	kenmason@comcast.net

The applicant is one of the following: (please check appropriate box)

- Owner     
  Prospective Buyer\*     
  Representative for Owner/Tenant/Buyer\*  
 Tenant\*     
  Other\*

**\*Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.**

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

#### Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Applicant

Owner(s) - Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
---------------------	------------

Case #

**PART B - PROJECT LOCATION**

Legal Street Address	544 Main St.	Village/Zip Code	Harwich Port 0264
Title Book/Page or L.C.C. #	B 26082 P 96+98		
Map(s) / Parcel(s)	MAP 14 PCL F4-01		
Zoning & Overlay Districts	CV VILLAGE COMMERCIAL	*Historic?	NO
Frontage (linear feet)	79.32'		
Total land area (s.f.)	16,081 sq. ft.		
Upland (s.f.)	16,081 sf.	Wetlands (s.f.)	0

**PART C - PROJECT DESCRIPTION**

Existing Floor Area in Sq. Ft	Gross: 1560	Net: 1560
Proposed Floor Area in Sq. Ft	Gross: 1560	Net: 1560
Change in Sq. Ft +/-	Gross: 0	Net: 0
Existing # of parking spaces	20	Proposed # of parking spaces: 20
Existing Use(s)	Commercial	
Proposed Use(s)	Commercial / Residential	
<i>Attach a separate narrative if necessary.</i>		

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: *(check all that apply)*

**Site Plan Review § 325-55:**

- Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window
- Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.
- Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.
- Establishment of any new retail use(s) in the Industrial (IL) Zone.
- Waiver of Site Plan § 325-55.F

**Article V, Use Regulations:**

- Paragraph \_\_\_\_\_, sub-paragraph # \_\_\_\_\_
- Paragraph \_\_\_\_\_, sub-paragraph # \_\_\_\_\_, supplemental regulation # \_\_\_\_\_ § 325-14

**Article X, Special Permits:**

- Structures w/ gross floor area of 7,500+ s.f. § 325-51
- Structures requiring 20 or more new parking spaces § 325-51
- Accessory Apt./Shared Elderly Housing § 325-51.H
- Mixed Use § 325-51.M
- Drinking Water Resource Protection § 325-51.C
- Two Family § 325-51.N
- Village Commercial, Harwich Port § 325-51.L
- \*Harwich Center Overlay § 325-51.O
- Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

**Other Special Permits:**

- Six Ponds Special District - Article XVI
- Wind Energy Systems - Article XVIII
- Large Scale Wind Generation - Article XIX
- Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B)
- Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on \_\_\_\_\_ Year/Case # \_\_\_\_\_

*\*Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District and Historical Commission. Please inquire for forms and instructions.*

