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Memorandum

From: Shelagh Delaney, Planning Assistant

To: Planning Board

RE: Case PB 2023-26 – Peterson – Oliver Snow ANR

Date: August 11, 2023

Applicant: Susan D. Peterson, Trustee of the Bring ‘Em Young Realty Trust

Locus: 21, 29 Oliver Snow Road

Land Owner: Susan D. Peterson, Trustee of the Bring ‘Em Young Realty Trust

Land Owner’s Address: P.O. Box 162, Harwich Port, MA 02646

Assessor’s Map: 24-E2

Zoning District: Residential Rural (RR)

Project Description:

The subject lots and parcels are located at #21 and #29 Oliver Snow Road. #21 Oliver Snow Road contains two single family dwellings and a cottage and consists of a lot registered with the Land Court and a parcel that is unregistered. #29 Oliver Snow Road is a vacant lot that is registered with the Land Court.

Oliver Snow Road has been a public way since approval at Harwich Town Meeting on March 5, 1969 and is recorded at the Barnstable County Registry of Deeds, Book 1431, Page 896.

The parcels are located in the Residential Rural (RR) Zoning District which requires minimum lot size of 40,000 sf and linear frontage of 150 ft. Both proposed registered lots are in zoning compliance.

The Applicant is requesting an endorsement of an Approval Not Required Plan in order to reconfigure the registered and unregistered lot lines at 21 and 29 Oliver Snow Road to create one new vacant lot for building purposes with the existing buildings to remain on one other lot. The unregistered parcel located on the south side (rear) of the property is proposed to be divided into two parcels containing insufficient area and frontage to comply with zoning regulations Those 2 parcels are to be held in common ownership with the adjoining registered lots as noted on the Division Plan.

Harwich Planning Department

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Applicable Laws & Regulations: The Applicant seeks endorsement of an “Approval Not Required (ANR)” plan under M.G.L. c. 41 §§81L & 81P and Subdivision Rules and Regulations of the Code of the Town of Harwich.

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

- Form B-1, Subdivision Application and Narrative;
- Division Plan (to be filed in Land Court) – Oliver Snow Road by TS Land Surveying, Inc. dated 2/13/23, revised 7/10/23;
- Division Plan (to be filed with Barnstable Registry of Deeds) - Oliver Snow Road by TS Land Surveying, Inc., dated 7/10/23;
- Municipal Lien Certificates (4);
- Letter of submission to Town Clerk dated 8/2/23;
- Filing Fee

Project Review Process: On 8/2/23 the Applicant’s representative submitted the application for endorsement of an Approval Not Required plan to the Planning Office and to the Town Clerk. On 8/7/23, the application package was sent to Stephen Rhoads, PE of VHB for review.

Hearing Date: The Public Hearing is scheduled for 8.22.23.

Informal Staff Comments: In order to endorse, the Board needs to make a determination that the submitted plans do not show a “Subdivision,” so-defined under the relevant law, and as such, Applicant’s request warrants endorsement that the plan does not require subdivision approval.

I recommend the Board review the application materials and the VHB Report, 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.

Recommended Motion/ Determination

Motion that the Board finds that neither 1) the plan entitled “Division Plan (to be filed in Land Court) – Oliver Snow Road” prepared by TS Land Surveying, Inc. dated 2/13/23, revised 7/10/23, nor 2) the plan entitled “Division Plan (to be filed with Barnstable Registry of Deeds) - Oliver Snow Road” prepared by TS Land Surveying, Inc., dated 7/10/23 depicts a subdivision and that the Board endorses the plans as not requiring approval under the subdivision control law.