

A TRUE COPY ATTEST

Evelyn M. [Signature]
TOWN CLERK OF
HARWICH, MASS

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COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH PLANNING BOARD
MODIFICATION OF A DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF APPROVAL/ DECISION

Case No.: PB2022-19
Applicant/ Owner: Eastward Homes Business Trust, Eastward MBT, LLC, TR
Plan Book: Plan Book 675 Page 71
Property Address: Bascom Hollow, East Harwich, MA 02645
Decision Date: October 18, 2022

Findings

1. The subject property/ subdivision is known as Bascom Hollow, East Harwich; Approved on April 10, 2018; Recorded with the Barnstable Registry of Deeds in Plan Book 675 Page 71; The plan was subsequently modified in 2020 to reconfigure lot on the south side of the way and a cash performance surety is currently held by the Town for \$13,598;
2. An application for a modification of the definitive plan and a waiver request to not construct a certain portion of the approved sidewalk along with the application was submitted to the Town Clerk on August 22, 2022. The application includes the applicable and relevant submission materials required by the Board, and otherwise meets the applicable requirements of the Harwich Code including a narrative of reasoning and hand marked plan entitled:
"Plan and Profile", Sheet 3 of 7, prepared for Eastward Homes Business Trust, prepared by Clark Engineering LLC, 156 Crowell Road, Suite B, Chatham, MA 02633, dated 04-10-2018 and revised 05-09-2018.
3. The portion of the sidewalk under review runs in front of Lots 5 and 6 and is approximately 98 linear feet and is shown within a red circle on the plan.
4. The homes on Lot 5 and Lot 6 were developed and landscaped early on in the development of the subdivision.
5. Constructing the sidewalk would disturb landscaping, irrigation, lighting and plantings. The remainder of the subdivision sidewalks will be constructed.
6. The Board opened and held a duly-notice hearing for a Modification of a Definitive Plan on October 4, 2022.

RECORD OF VOTE/ DETERMINATION

Present, acting and voting on the matter at its hearing session on October 4, 2022 were Board members Mr. D. Berry, Chair; Ms. M. Maslowski; Mr. D. Harris; Mr. Wm. Stoltz and Ms. A. Tucker.

The Board voted unanimously (5-0-0) to adopt the aforementioned findings and grant approval of the Modification of a Definitive Subdivision with a waiver request to exempt construction of a sidewalk as shown on the plan entitled "Plan and Profile", Sheet 3 of 7, showing the hand marked area of the section subject to the waiver, dated 04-10-2018 and revised 05-09-18, pursuant to 400-14.M.(7) and to subject to the following condition:

Condition(s) of Approval

1. An in-lieu performance fee of \$1,900 is required.

Duncan Berry
 Duncan Berry, Chair *p. Elaine Panta*

OCT 19 2022

This Decision has been filed with the Town Clerk on: _____

Emily Mitchell

 Town Clerk

This is to certify that twenty days have elapsed after this Decision was filed in my office and no appeal from said Decision was filed in my office.

Emily Mitchell

 Town Clerk
 Date *November 10, 2022*