

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

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Certificate of Action

Site Plan Special Permit Approval

March 14, 2023

Mr. Deane Ferioli

P.O. Box 356

Harwich Port, MA 02646

Dear Mr. Ferioli,

Please be advised that at a duly advertised, posted and noticed public hearing opened on February 14, 2023, the Harwich Planning Board (the ‘Board’) **voted unanimously to approve** with conditions a Site Plan Special Permit in accordance with the Harwich Zoning Bylaw Section 325-55 to allow the owners to expand the bar area, repave the parking lot, install drainage improvements, expand the pool deck and other site improvements.

**Case No.:** PB2023-02

**Applicant**: Deane Ferioli forPelham on Earle Hotel

**Location:** 30 Earle Road;Assessor’s Map5, ParcelP3-9

**Owner:** Pelham on Earle, LLC

**Zoning District(s):** Residential High Density -1 (RH-1)

**Deed Reference:** Book 34724, Page 281

**Decision Date:** February 14, 2023

**SUMMARY OF PROCEEDINGS:**

The public hearing in this matter was opened on Tuesday, February 14, 2023 at 6:30 PM in the Griffin Room at Town Hall as well as via remote participation using GoToMeeting.Due 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 January 26, 2023 and February 2, 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.

Acting and voting on the matter were: Duncan Berry, Chairman, Craig Chadwick Vice Chairman, Mary Maslowski, David Harris, Emily Brutti, Ann Clark Tucker and Alternate Member, Harry Munns. All votes were roll call votes.

The applicant was represented by Mr. Deane Ferioli, Project Manager, Mr. John McCarthy, Managing Partner of Pelham Properties and Mr. Kieran Healy of the BSC Group. They presented the case to the Planning Board. The Board reviewed the materials and asked for clarifications on some of the proposed improvements. The Board then opened the hearing for public comments. Two abutters asked questions about the landscaping proposal and the hours of operation. After accepting testimony from all parties having an interest in the case, the Board voted to close the public hearing. The vote was unanimous. The members then deliberated and reviewed the criteria for granting a Site Plan Special Permit in accordance with section 325-55 of the Zoning Bylaw.

The decision in this matter is based upon the application, supporting documentation, public testimony and evidence provided at the hearing. Copies of the official records are located in the Planning Department files and are incorporated into the record by this reference.

**Information Submitted**

* Statement from Applicant
* Completed application form
* Filing fee
* Site Plan prepared by the BSC Group, stamped by Kieran J. Healy, PLS, CFM dated 1/9/23, revised 2/8/23.
* Building schematics and elevations by Deane F. Ferioli dated 2/8/23
* Project review memorandum from Paul Halkiotis, Town Planner dated 2/6/23.

**Findings of the Harwich Planning Board**

On a motion from Ms. Maslowski with a second by Mr. Chadwick, the Planning Board voted unanimously (7-0-0) by roll call vote to adopt the following findings:

1. The applicant has applied to the Planning Board for Site Plan Approval & Special Permit pursuant to Section 325-55 of the Harwich Zoning Bylaw.
2. The applicant, Deane F. Ferioli is the agent/project manager for the property owner, Pelham on Earle, LLC.
3. The subject property is located at 30 Earle Road, West Harwich (Map 5 Parcel P3-9) with a lot area of 40,336 sf. It is located in the Residential High Density 1 (RH-1) Zoning District.
4. The current use of the property is a 27 room hotel being operated as the “Pelham on Earle Hotel”. It is a lawfully preexisting and nonconforming property.
5. The applicant proposes site improvements in order to construct interior upgrades, an addition to the bar area, improvements to the parking lot, drainage improvements and an expansion of the pool deck.
6. Abutters to the subject property were notified of the public hearing and provided with opportunity to comment on the application.
7. In view of the particular characteristics of the site, and the proposal in relation to that site, the Board finds that the proposed project is not substantially more detrimental to the neighborhood than the existing conditions.
8. The applicant has met all the requirements for a Site Plan Special Permit pursuant to the Harwich Zoning Bylaw.

At the February 14, 2023 Planning Board meeting, Ms. Maslowski made a motion to approve the request, which was seconded by Mr. Chadwick, the Board Unanimously voted to grant the Site Plan Special Permit for the site improvements and building renovations for the Pelham on Earle Hotel, Pelham on Earle, LLC, owner for 30 Earle Road, Case PB2023-02.

IN FAVOR: Mr. Berry, Mr. Chadwick, Mr. Harris, Ms. Maslowski, Ms. Brutti, Ms. Clark Tucker and Mr. Munns.

OPPOSED: None

**ABSTAINED:** None

**Conditions of Approval**

1. The proposed site improvements and building renovations shall be in accordance with the Site Plan referenced in the application above.
2. This decision shall run with the property.
3. This decision shall not be effective until the approved Site Plan Special Permit Certificate of Action is recorded at the Barnstable Registry of Deeds. The applicant shall submit proof of recording to the Planning Department prior to the start of construction.
4. Changes to the site not authorized under this decision may require further Planning Board review and modification to this decision.
5. The applicant shall conform to the inspection, certification and as-built plan requirements outlined pursuant to the Subdivision of Land and Site Plan Special Permit section of the Harwich Code.

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.

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Duncan Berry, Chairman 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:

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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

Gail McAleer, Assessor

John McCarthy, Managing Partner, Pelham Hospitality

Mr. Kieran Healy, PLS, the BSC Group