

February 20, 2023

Duncan Berry, Chair  
Town of Harwich Planning Board  
732 Main Street  
Harwich, MA 02645

*Re: RB2023-04 Permit Request by Oliver Homes LLC at 86 Miles Street*

Dear Mr. Berry:

I am the owner of 37 Grassy Pond Road and an abutter to the property at 86 Miles Street. I am concerned about the proposed special permit for building a second and substantial dwelling (3,000 sq ft.) at 86 Miles Street because of its potential impact on me and the other residents of Grassy Pond Road. My concerns are:

1)

In 2021 the Harwich Highway Department granted an easement on a "public right of way" for construction of an "*alternative access roadway*" to the 86 Miles St property from Grassy Pond Road. This was done without consideration of abutters' interests or any opportunity for comment by abutters and residents of Grassy Pond Road.

It is not clear to me how a *public right of way* can be assigned by the Town as an easement for the benefit of a *private* property owner without public comment and to the detriment of the adjacent abutting property owner at 38 Grassy Pond Road and others.

I understand that municipalities often take public rights of way for *public purposes*....such as installing a side walk, sewer system or public park, etc...for the *public good*. Had there been an opportunity for public comment I would have objected and urged that all access to any additional dwelling to be built at 86 Miles St. be through the property's primary access on 86 Miles St.

*There is a very spacious main driveway with room for multi-car parking and plenty of land to accommodate an extension of the main driveway access on 86 Miles St. to a secondary dwelling on the property if needed. There was neither a compelling case for taking a public right of way from the property at 38 Grassy Pond Rd for this alternative access road in the first place nor an open process about the Town's decision to grant an easement to the owners of 86 Miles Street.*

2)

Grassy Pond Road is a Cul de Sac and a narrow road. Therefore, it is a very private, quiet, safe and protected neighborhood space for its residents and especially very young children of which there are many under the age of 10 years visiting parents and grandparents on Grassy Pond Road.

There is no traffic or street parking other than the autos of property owners and, therefore, children have the freedom to ride tricycles, bikes, walk and to play near/in the street. There are no sidewalks and adults also walk freely in the street.

It is clear from the plans for a second dwelling that the "alternative access roadway" from Grassy Pond Road for 86 Miles St is intended to be and will de facto become the *primary access roadway* for a second large dwelling on the 86 Miles St property. The proposed access for this dwelling is at a narrow bend in the road close to other properties and driveways on the street. Therefore, I have concerns about safety related to this location at the bend in the road across from my yard- -as well as concerns with traffic, noise and parking.

The easement granted to the owners of 86 Miles Street in 2021 resulted in this "alternative access road" being directly joined at the street with the driveway of 38 Grassy Pond Road across from my driveway at 37 Grassy Pond Road. Even before this access road was approved the owners of 38 Grassy Pond Road and I have had to always be very cautious about driving into and out of our driveways because of proximity and the sharp bend in the road - -with pedestrians and children walking, jogging and bike riding and cars of homeowners coming around the corner at the bend in the road. Additional traffic or *any* street parking at this bend in the road could create a hazard and/or a "public nuisance".

3)

The owners of 86 Miles indicate that they have no intention of renting this additional dwelling. How can residents of Grassy Pond be sure that that will not happen in the future creating potentially yet additional traffic, parking and safety issues?

4)

The proposal does not show a "2 family home" but rather a second large stand alone dwelling on the property at 86 Miles joined by a "covered porch" which looks from the plans like a narrow covered walkway. What would prevent the current or future owners from removing the "porch" walkway in the future and seeking to subdivide the property into two parcels with access from Grassy Pond Rd then to be approved by the Town as the *primary access road and street address* for the second dwelling and parcel?

If this permit is granted the property at 86 Miles St. will in fact become one large parcel with two separate large homes. In that case the 2021 granting of the easement from a public right of way for an "alternative access roadway" from Grassy Pond Road will have become a *highly valuable enhancement to a private property* and a legitimate concern for the Grassy Pond neighborhood.

Was the seeking and receiving approval of an easement for this "alternative access road" in 2021 actually an attempt by the owners of 86 Miles St (Oliver Homes LLC) to circumvent current Harwich zoning law re: multiple structures of a certain size on one property?

I respectfully request that you *deny* this Special Permit as currently proposed.

Sincerely,

Kathleen Hagan  
37 Grassy Pond Road  
Harwich Port, MA 02646