

TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Craig Chadwick Vice Chair, David Harris, Mary Maslowski,

Anne Clark Tucker and Emily Brutti, Members; Harry Munns, Alt. Member

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Certificate of Action

Site Plan Special Permit Approval

March 31, 2023

Ms. Susan Ladue

Eastward Companies, Inc

155 Crowell Road

Chatham, MA 02633

Dear Ms. Ladue,

Please be advised that at a duly advertised, posted and noticed public hearing opened on March 14, 2023, the Harwich Planning Board (the ‘Board’) **voted unanimously to approve** with conditions an Alternate Access Special Permit in accordance with the Harwich Zoning Bylaw Section 325-18K and MGL c. 40A Section 9 in order to allow driveway access off of 21 Vicksburg Avenue. The Board found that this alternate access was superior to the frontage at 52 Bay Road and the proposed alternate access is cleared to a minimum of 16 feet in width and 16 feet in height

**Case No.:** PB2023-05

**Applicant**: Eastward Companies

**Location:** 52 Bay Rd. and 21 Vicksburg Ave.

**Owner:** Eastward CompaniesBusiness Trust

**Zoning District(s):** Residential Rural (RR), Drinking Water Recharge Protective District (DWRPD)

**Deed Reference:** Book 35604, Page 340

**Decision Date:** March 14, 2023

**SUMMARY OF PROCEEDINGS:**

The public hearing in this matter was opened on Tuesday, March 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 February 23, 2023 and March 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 and to the Board members.

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 Ms. Susan Ladue as well as the President of Eastward Companies, Bill Marsh and the Project Engineer, Dave Clark. They presented the case to the Planning Board. The Board reviewed the materials and asked for clarifications on the potential development of the lot and plans for wastewater management. The Board then opened the hearing for public comments. Marina McHugh, an abutter asked questions about the landscape buffer and plans for moving any runoff away from her lot. 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 an Alternate Access Special Permit in accordance with section 325-18K 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 Clark Engineering, LLC, stamped by David A. Clark, PE dated 1/30/23.
* Project review memorandum from Paul Halkiotis, Town Planner dated 3/08/23.

**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 an Alternate Access Special Permit pursuant to Section 325-18K of the Harwich Zoning Bylaw.
2. The applicant/owner is the Eastward Companies Business Trust, Agent – Susan Ladue.
3. The subject property is located at 52 Bay Road a/k/a 21 Vicksburg Avenue, Harwich (Map 98 Parcel 2) with a lot area of 52,270 sf. It is located in the Residential Rural 1 (RR) and the Drinking Water Recharge Protective District (DWRPD) Zoning Districts.
4. The applicant proposes an alternate access driveway at 21 Vicksburg Avenue in lieu of the legal frontage of 52 Bay Road,
5. Abutters to the subject property were notified of the public hearing and provided with opportunity to comment on the application.
6. In view of the particular characteristics of the site, and the proposal in relation to that site, the Board finds that the proposed alternate access will be superior to the legal frontage access and that it is cleared to an area of 16’ wide by 16’ high.
7. The applicant has met all the requirements for an Alternate Access Special Permit pursuant to the Harwich Zoning Bylaw.

At the March 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 Alternate Access Special Permit for the property at 52 Bay Road, a/k/a 21 Vicksburg Avenue, Case PB2023-05.

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 alternate access shall be in accordance with the Site Plan referenced in the application above.
2. The Applicant shall maintain the alternate access driveway at 16’ high and 16’ wide.
3. The Applicant shall build and maintain a 20’ natural buffer the length of the Bay Road frontage with an exception for any portion where the proposed sewer line will cross that frontage.
4. This decision shall run with the property.
5. This decision shall not be effective until the approved Alternate Access 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.
6. Changes to the site not authorized under this decision may require further Planning Board review and modification to this decision.
7. The applicant shall conform to all inspection, certification and as-built plan requirements outlined pursuant to the 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

Susan Ladue, Eastward Companies

Mr. David Clark, PE Clark Engineering, LLC