

PB2023-06

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TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION 2023 FEB -7 P 1:36
SUBDIVISION FORM B-1



TO THE TOWN CLERK, HARWICH, MA

DATE 2/7/23

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	Eastward MBT LLC, Trustee Eastward Homes Business Trust
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Eastward Companies Susan Ladue, Regulatory Specialist
Street/PO Box	155 Crowell Road
Town, ST, Zip	Chatham, MA 02633
Phone	Cell 508-326-3684
Fax	N/A
E-mail	sladue@eastwardco.com

The applicant is one of the following: (please check appropriate box)

- Owner
 Tenant*
 Prospective Buyer*
 Representative for Owner/Tenant/Buyer
 Other* _____

***Written permission of the owner(s).**
***See attached signed P&S Agreement**

All other forms and information as required in the Harwich Code §400 shall be submitted as part of this application including municipal lien certificate(s), available through the Tax Collector's Office.

Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Susan B. Ladue

Applicant

See attached signed P&S Agreements

Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
Case #	

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PART B – PROJECT LOCATION

Street Address	Dorset Drive
Village	East Harwich
Map	98
Zoning District(s)	RR and DWRPD/Zone II
Frontage (linear feet)	263.2 feet of frontage on Orleans Rd/Route 39
Total land area (SF)	232,832 s.f. (5.35 acres)
Upland (SF)	232,832 s.f. (5.35 acres)
Wetlands (SF)	0
Number of lots and/or parcels	Existing: 3 building lots Proposed: 3 building lots, 1 unbuildable and road layout

The owner's title to said land is derived under deed from Charles Bascom adjacent lot dated see info on page 3, and recorded in the Barnstable Registry of Deeds owner Book and Page see info on page 3 or registered in Barnstable County Land Court Certificate of Title No. bottom.

PART C – PROJECT DESCRIPTION

Number of lots and/or parcels	Existing: 3	Proposed: 4
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The undersigned owners of all land described herein submitted in the accompanying plan entitled Modification Subdivision Plan Prepared for Eastward Homes and dated 2/3/23, request a determination and endorsement by said Board that approval by it under the **Subdivision Control Law MGL Ch. 41 Sec. 81K-GG**: (check as appropriate)

is required (complete Part C.1 Subdivision) or is NOT required (complete Part C.2 ANR)

PART C.1 – Planning Board Approval is Required - Subdivision

- The accompanying plan is a (check one):
 - Preliminary plan
 - Definitive without a preliminary plan
 - Definitive following a Preliminary plan filed on _____ /case # PB _____ Agreement & Covenant
 - Modification of a Definitive plan approved on 7/10/07 /case # PB Book 22374, Page 331 PI Bk 620, Pg 88
 - Rescission of a Definitive plan approved on _____ /case # PB _____
- The applicant is also requesting a **Special Permit** to accompany the proposed plan for the following (check all that apply):
 - USE - Does not require Site Plan Review
 - ___ Open Space Residential Development
 - ___ Flexible Cluster Development/Six Ponds Special District
 - ___ Accessory Apartment
 - ___ Two-Family Dwellings
 - ___ Other _____
 - OVERLAY DISTRICT
 - ___ Water Resource Protection
 - ___ Harwich Center
 - ___ Six Ponds
 - ___ Village Commercial (Harwich Port)

**Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District Commission. Please inquire with the Building Department for forms and instructions.*

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PART C.2 – Planning Board Approval is Not Required - ANR

The accompanying plan does not require approval by the Planning Board because:

1. The lots are created on an approved way, with proper frontage and are served by safe and adequate access as follows:
- a. Every lot shown on the plan has frontage of at least such distance as is presently required by the Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires _____ feet for erection of a building on such lot, **and;**
 - b. The lots shown on such plan front on one of the three types of ways specified in Chapter 41, Section 81L, MGL, **and;**
 - a public way or a way that the Harwich Town Clerk certifies is maintained and used as a public way namely _____, or
 - a way shown on a plan previously approved and endorsed in accordance with the subdivision control law namely _____ on _____ and subject to the following conditions _____; or
 - a private way in existence on March 25, 1949, the date when the subdivision control law became effective in the Town of Harwich, and
 - c. The public or private way named above has, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the land abutting or served thereby, and for the installation of municipal service to serve such land and the buildings existing thereon to be erected.
- PROOF OF SAFE AND ADEQUATE ACCESS** – Please attach all necessary documentation to this application for:
- Determination of Safe and Adequate Access for existing conditions
 - Satisfaction of Safe and Adequate Access for proposed conditions
2. The accompanying plan is not a subdivision because the plan does not show a division of land.
3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires _____ feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the property prior to March 25, 1949 the date when the subdivision control law went into effect in the Town of Harwich and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:
5. Other reasons or comments: (See MGL, Ch41, §81-L)

Owners of subject property:

David & Laura Bascom - 2 Dorset Drive - Deed Book 23743, Pge 190 - dated 5/28/09

Kimberly Veach - 6 Dorset Drive - Deed Book 27642, Page 111 - dated 6/23/13

Dawn Mossey - 10 Dorset Drive - Deed Book 27642, Page 109 - dated 8/23/13

EASTWARD COMPANIES

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February 7, 2023

Harwich Planning Board
Town Hall
732 Main Street
Harwich, MA 02645

**RE: Dorset Drive – East Harwich
Modification of Definitive Subdivision Plan – Filing Package**

Dear Members of the Board:

Eastward MBT LLC, Trustee of Eastward Homes Business Trust, William Marsh, Manager, is submitting the following items for your review of the proposed Modification request on Tuesday, March 14, 2023:

1. Two (2) completed applications – Form B-1
2. Filing Fee consistent with the fee schedule
3. Six (6) full size copies of the proposed Modification Plan set
4. Eleven (11) 11 x 17 copies of the Modification Plan
5. Two (2) copies of Modification Plan at 1" = 100'
6. Two (2) copies of drainage calculations
7. Flash drive with dwg of Modification Plan
8. Assessor Map 98 with subject property highlighted
9. 2007 Recorded Subdivision Plan
10. 2007 Recorded Planning Board Agreement & Covenant
11. Aerial Photograph of Subject Property
12. Street View of Property Frontage
13. Abutter's Lists (from Assessor's Office)
14. MLCs (from the Tax Collector's/Treasurer's Office)

The Dorset Road subdivision is located in East Harwich, off of Orleans Road, almost directly from our subdivision, Bascom Hollow. It is also located in the RR zone and the Drinking Water Resource Protection District (DWRPD). The Planning Board approved the 4-lot

155 CROWELL ROAD, CHATHAM, MA 02633 508-945-2300

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Definitive Subdivision Plan in 2007, with 3 building lots (1-3) served by Dorset Road and Lot 4 (224 Church Street) with its legal frontage and access from Church Street. Each building lot meets the minimum lot size of 40,000 square feet and 150 feet of frontage. Dorset Drive is an approximately 1,120 foot long road and has a 40' wide road layout. The Planning Board approved the Definitive Subdivision Plan with the following waivers:

1. The requirement for drainage calculations and road profile and cross-sections.
2. The requirement for full road construction, from 22' wide paved road width to a 16' wide gravel driveway with a paved apron.
3. The required cul-de-sac construction.
4. The required as-built drawings.

Lot 4 was released from the Planning Board Covenant in 2008, as it was not served by the proposed subdivision road, had its access/frontage from Church Street, and had an existing home located on it.

Eastward Companies is requesting to modify the original subdivision plan to do the following:

1. Dorset Drive will remain in its same location along the road frontage of Orleans Road/Route 39.
2. We'll reduce the length of the proposed road to 480 feet, less than half its original length.
3. We'll reconfigure the 3 building lots to have Lots 1 and 2 with conforming lot frontage, lot area, and shape factor. Lot 3 will now be a panhandle lot with the required frontage on the Dorset Drive cul-de-sac with conforming lot area and shape factor.
4. The remaining Parcel A will not be considered a building lot. This parcel will be conveyed and combined with land of abutter, owner of Lot 4 at 224 Church Street.
5. We feel that the Modified Subdivision Plan is superior to the original subdivision as it proposes the same number of building lots but will create less road surface to serve these lots.

We are requesting the following waivers:

1. From the required 1" = 40' maximum plan scale to 1" = 80' in order to get the length of all lots on one sheet.
2. From the required roadway width of 20' pavement to allow 14' wide paved roadway surface (a waiver of 6 feet).

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If you should have any questions or need additional information for your review, please do not hesitate to contact me. We appreciate the Board's consideration of our request.

Sincerely,



Susan B. Ladue
Regulatory Specialist
sladue@eastwardco.com

cc: William Marsh, President