

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

Special Permit Approval

 June 13, 2023

Attorney William Crowell

P.O. Box 185

Harwich Port, MA 02646

Dear Attorney Crowell,

Please be advised that at a duly advertised, posted and noticed public hearing opened on March 28, 2023 and due to a notice defect, a re-hearing was held on June 13, 2023, the Harwich Planning Board (the ‘Board’) **voted unanimously to approve** with conditions a Waiver of Site Plan Review and a Special Permit in accordance with the Harwich Zoning Bylaw Section 325-51, Section 325-44B, Section 325-55F and MGL c. 40A Section 9 in order to relocate an existing detached accessory structure and renovate it to create an accessory structure with a bedroom for the property at 1365 Orleans Road.

**Case No.:** PB2023-09

**Applicants**: Elaine Brockway and Richard Meehan

**Location:** 1365 Orleans Road

**Owner:** Elaine Brockway and Richard Meehan

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

**Assessors:**  Map74, Parcel K2-1

**Deed Reference:** Certificate of Title #230225

**Decision Date:** June 13, 2023

**SUMMARY OF PROCEEDINGS:**

The public hearing in this matter was opened on Tuesday, June 13, 2023 at 6:30 PM in the Griffin Room at Town Hall as well as via remote participation using GoToMeeting. **N**otice 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 May 25 and June 1, 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: Chairman, Duncan Berry. Clerk, Craig Chadwick, Mary Maslowski, David Harris, Emily Brutti, Ann Clark Tucker, Harry Munns and Alternate Member, Allan Peterson.

The Applicants were represented by Attorney William Crowell of Harwich Port who presented the case to the Planning Board. The Board reviewed the materials and asked for clarifications and details. The Board then opened the hearing for public comments. 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 Waiver of Site Plan Review and a Special Permit in accordance with the Harwich Zoning Bylaw Section 325-51, Section 325-44B (for the parking waiver), Section 325-55F and MGL c. 40A Section 9 in order to allow for the creation of an Accessory Structure with a Bedroom for the property at 1365 Orleans Road.

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

**Information Submitted**

* Narrative from the Applicants;
* Completed application form A;
* Filing fee;
* Site Plan prepared by Moran Engineering Assoc., LLC, stamped by Daniel P. Croteau, PE dated 4/25/22;
* Building & Elevation Plans by Olympus Architectural Designers dated 11/20/22;
* Project review memorandum from Paul Halkiotis, Town Planner dated 3/23/23.

**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) to adopt the following findings:

The Applicants applied to the Planning Board for a Waiver of Site Plan Review and Special Permit, pursuant to Harwich Zoning Bylaw Section 325-51, Section 325-44B (for the parking waiver), Section 325-55F and MGL c. 40A Section 9.

1. The Applicants and Owners are Elaine Brockway and Richard Meehan.
2. The subject property is located at 1365 Orleans Road, Harwich (Map 74 Parcel K2-1) with a lot area of 20,909 sf.
3. The lot is located in the Residential Rural 1 (RR) and the Drinking Water Recharge Protective District (DWRPD) Zoning Districts.
4. The Applicants proposed to slightly move and alter an existing workshop in order to create an Accessory Residential Structure with a bedroom.
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 change of the workshop into an Accessory Residential Building with bedrooms is appropriate and does not represent a detriment to the neighborhood.
7. The Applicants have met all the requirements for an Accessory Residential Building with one bedroom pursuant to the Harwich Zoning Bylaw.

At the June 13, 2023 Planning Board meeting, Ms. Maslowski made a motion, seconded by Mr. Chadwick to grant the parking waiver and a Waiver of Site Plan Review, as well as a Special Permit to relocate an existing detached accessory structure and renovate it to create an accessory structure with a bedroom at 1365 Orleans Road. This Special Permit was granted with the following conditions:

1. This decision shall run with the property.
2. This decision shall not be effective until the approved Special Permit Certificate of Action and the Plan are recorded at the Barnstable Registry of Deeds. The Applicants shall submit proof of recording to the Planning Department prior to the start of construction.
3. Changes to the site plan not authorized under this decision may require further Planning Board review and modification to this decision.
4. The Applicants shall conform to all inspection, certification and as-built plan requirements outlined pursuant to the Special Permit section of the Harwich Code.

The Board voted unanimously in favor. 7-0-0

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

OPPOSED: None

**ABSTAINED:** None

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