

April 2, 2023

Planning Board  
Town of Harwich  
723 Main Street  
Harwich, MA 02645

*Re: #PB2023-04 application for Special Permit for a Two-Family Dwelling by Oliver Homes LLC  
#PB2023-12 application for a Special Permit for Alternate Access by Oliver Homes, LLC*

Dear Chairman Berry and Planning Board Members,

Further to my letter of February 20 (attached) I am writing to request that you deny the special permit applications for an alternate access at 86 Miles St. and for a “two-family” dwelling.

I have been the owner of 37 Grassy Pond Road since 1975. My family and I have had the benefit of the “quiet enjoyment” of my property and the unique Grassy Pond neighborhood for 48 years. My property is situated directly across from 38 Grassy Pond Road and the “alternative access road” permitted in February 2022 for the owners of 86 Miles St. The Feb 2022 roadway permit was granted in error. A *special permit* was required according to Zoning By Law S 325-18K.

**Re: PB 2023-12** (the access road special permit)

I have concerns about this application’s compliance with **Zoning By-Law 325-51:**

**1) Re: 51 C Creation of hazard and nuisance.**

The safety issue expressed by many abutters to this proposed driveway and residential complex is real and not imagined in any way. Over the years I have always had concerns about children running ahead of their parents or minders coming around the corner by my driveway and bicyclists, etc and have seen a few close calls. There are **twenty-four children under the age of six** who visit regularly and for stay for extended periods in the summer with parents and grandparents. They walk, ride tricycles/small bikes and play in the streets with their friends and family. (There are no sidewalks on Grassy Pond Road.)

This particular location cannot handle **any additional traffic** or **any street parking**...even if the property were never to be rented in the future.

**Re: #PB2023-04** (the “two family” dwelling)

I have concerns about this application’s compliance with **Zoning By-Law 325-51**:

2) **Re: 51 B** this location in a low-density housing zone is not appropriate for the *specific structure and use proposed* because *This building plan as proposed is not in keeping with the style, scale and character of this low density zoned neighborhood.*

My house is 1,500 sq ft including exterior deck and a cement patio. Almost all of the houses on Grassy Pond are one story Cape style dwellings of approx 1,500 sq feet or less.

The scale of a 3,000 sq ft property is not appropriate to the Grassy Pond Road/Miles street neighborhood which is a Low Density Residential Zone. It would be 2x the size of most properties on Grassy Pond Road. Taken together the two houses on 86 Miles would total 6,100 sq feet (not including an outdoor pavilion, pool, etc.) The 6,100 sq ft of usable living space of the two houses combined as proposed is 4x the size of the average home on Grassy Pond Road.

I request that the Board deny these permits as proposed. Should the owners desire to construct a much smaller second dwelling on their property with access only from 86 Miles Street and not from Grassy Pond Road and therefore less negative impact on abutters and neighbors... then the town could consider granting of a variance on the issue of frontage.

I do respect the right of the owners of 86 Miles to have the “quiet enjoyment” of their own property and believe that they can do so without disrupting the quiet enjoyment, changing the character and jeopardizing the safety of the Grassy Pond neighborhood.

Sincerely,

*Kathleen F. Hagan*

Kathleen F. Hagan

37 Grassy Pond Road  
Harwichport, MA 02478

February 20, 2023

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

*Re: PB2023-04 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

*Thomas and Mary Ann Simpson  
41 Grassy Pond Road  
Harwich Port, MA 02646*

Planning Board  
Town of Harwich  
723 Main Street  
Harwich, MA 02645

April 3, 2023

Re: #PB2023-12 application for a Special Permit for Alternate Access by Oliver Homes, LLC  
#PB2023-04 application for a Special Permit for a Two-Family Dwelling by Oliver Homes, LLC

Dear Chair Berry and Planning Board Members:

We are writing the Planning Board to stress our strong opposition to granting Oliver Homes, LLC a Special Permit for both an Alternate Access and for a Two-Family Dwelling. Neither one meets current Zoning Laws.

Oliver Homes LLC knew when they purchased the property that this parcel could not be subdivided into two lots with a home on each. This is one lot with one house on it which is why they are calling it a two family home of 6,100 sq. ft.

**Alternate Access #PB2023-12**

Let's first correct the record. This is not an "*alternative*" access as the owners are not planning to remove the current access on Miles Street. This is an "*additional*" access presented as an "existing driveway" in the application plan. The Highway Dept and the Building Dept were both told that this request was for a temporary alternative access road for construction of a pool.

The Highway Dept understood the request to be a "*temporary*" alternative access road for the construction of a pool and pavilion and issued the permit, maybe in error. The pool and pavilion have been completed and the temporary alternative access is no longer needed.

The construction of the temporary road by Oliver Homes LLC was poorly done and without regard to the damage caused to the town road and their neighbor's property at 38 Miles St. The construction has caused disturbance with existing drainage with excessive run-off causing erosion on the road, flooded their neighbor's driveway and garage and killed a 75-year-old oak tree. The dying oak tree's location next to the driveway of 38 Miles St. makes it a hazard as there is a real risk that it could fall onto the owners' cars parked in the driveway. Imagine the damage that will be done five years from now when cars and trucks are going in and out of this access road. The town and the neighbor will be bearing the expenses for constant repairs to the road and their property.

This is a problem being caused by Oliver Homes LLC and they should be held responsible to restore the property abutting Grassy Pond Road, and the neighbor's property to its original condition and effect re-vegetation of the area now.

**Zoning for an Alternate Access**

86 Miles Street is the property's legal address. It has 127 feet of frontage on Miles Street compared to 17 feet on Grassy Pond Road.

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- I think Zoning says you can only have one access driveway per lot?
- 86 Miles Street has a wide paved driveway that can access any point on the lot.
- Oliver Homes LLC shows on their new site plan an “*existing driveway*” onto Grassy Pond Road, this *Does Not Exist*. (You give an inch and they will take a mile.)

Grassy Pond Road is a very narrow road of which I am sure you are aware. It is a very quiet country road in a tranquil setting where children can be safe riding their bikes or hot wheels. It was never designed to handle traffic or have people parking overnight on the roadway.

### **Two-Family Dwelling #PB2023-04**

Oliver Homes LLC wants to add onto the Existing 3,000sq ft house making it a two-family house a little over 6,100sq ft. They show a plan with two 3,000sq ft houses connected by a 50 foot covered walkway.

Let’s look at the facts:

- Property is situated in the Residential Low Density District (RL District)
- Size of this home would be 6,100 sq. ft. Size of the average homes in the area 1,734 sq. ft. Average size of homes on Grassy Pond Road 1,478 sq. ft. The current house at 86 Miles Street doesn’t fit the neighborhood at 3,000 sq. ft. but it is here. At 6,100 sq. ft. there is no question it doesn’t fit, shut it down.
- This is really two single family houses on one lot located at 86 Miles Street.
- How is septic going to handle it – a one or two family house?

### **Zoning Laws**

Over the years Towns have established Zoning Laws to assure the orderly growth of communities. It set boundaries to guide the growth, protect the residents’ property values and sets the image and character of the town. Harwich is the classic “Old Cape Cod” that draws people from all over the world. We need to trust that the Town will apply the Zoning By-Laws fairly and take into consideration strong objections of the property owners.

Oliver Homes LLC are in the real estate business to make money, by maximizing the value of their investments. They do not consider the long-term. What could happen to the Grassy Pond/Miles neighborhood if this property is sold after receiving approval for an *additional* access and *two* houses (called one house) that total 6,100 sq. ft. in a Residential Low Density District?


In this case 25 abutters have asked the Planning Board to **Deny** both Special Permits that Oliver Homes LLC has requested and not one abutter has spoken in favor of issuing a special permit.

I ask the Board Members if you were an abutter to 86 Miles Street would you be asking the board to deny the Special Permits and enforce the Zoning Laws that the town has in place?

We respectfully request that you **Deny the Special Permits.**

Sincerely,

  
Mary Ann Simpson

  
Thomas J. Simpson