

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

 May 19, 2023

Dillan Hoyt

Shoreline Pools, Inc.

32 American Way

South Dennis, MA 02660

Dear Dillan,

Please be advised that at a duly advertised, posted and noticed public hearing opened on May 9, 2023, the Harwich Planning Board (the ‘Board’) **voted unanimously to approve** with conditions a Special Permit in accordance with the Harwich Zoning Section 325-94 (A) (4) and 325 – 51 to allow the owner to build an in-ground pool in the Six Ponds Special District.

**Case No.:** PB2023-14

**Applicants**: Dillan Hoyt, Shoreline Pools, Inc., 32 American Way, S. Dennis, MA 02660

Alan Einhorn, 85 Baxter R., Brookline, MA 02445

**Location:** 7 Cranberry Hollow Lane;Assessor’s Map83, ParcelR2-6

**Owner:** Alan H. Einhorn and Suzanne Salamon

**Zoning District(s):** Residential Rural, Six Ponds Special District

**Deed Reference:** Book 20892, Page 27

**Decision Date:** May 9, 2023

**SUMMARY OF PROCEEDINGS:**

The public hearing in this matter was opened on Tuesday, May 9, 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 April 20, 2023 and April 27, 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.

Acting and voting on the matter at the May 9, 2023 hearing were: Duncan Berry, Chairman, Craig Chadwick, Vice Chairman, David Harris, Mary Maslowski, Emily Brutti, Ann Clark Tucker and Alternate Member, Allan Peterson.

The Applicants presented the case to the Planning Board who reviewed the materials and asked for clarifications on some of the proposal, specifically, the ASTM requirements for a certified automatic pool cover. There were no 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 Special Permit to build a swimming pool in the Six Ponds Special District in accordance with the Harwich Zoning Bylaw Section 325-94 (A) (4) and 325 – 51.

The decision in this matter is based upon the application, supporting documentation, 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 A;
* Abutters Application;
* Municipal Lien Certificate;
* Request for waivers;
* Site Plan (Proposed and Existing) by Moran Engineering Assoc, dated 2/16/23
* Filing fee;
* Project review memorandum from Paul Halkiotis, Town Planner dated 5/3/23.

**Vote of the Harwich Planning Board**

On a motion from Ms. Maslowski with a second by Allan Peterson, the Planning Board voted (7-0-) to adopt the following findings:

[**(a)**](https://ecode360.com/12263351#12263351)The use as developed will not adversely affect the neighborhood.

[**(b)**](https://ecode360.com/12263352#12263352)The specific site is an appropriate location for such a use, structure or condition.

[**(c)**](https://ecode360.com/12263353#12263353)There will be no nuisance or serious hazard to vehicles or pedestrians.

[**(d)**](https://ecode360.com/12263354#12263354)Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

The plans demonstrate compliance with the above-mentioned Special Permit requirements 325-51 and Section 325-94 (A) (4).

Ms. Maslowski then moved with a second by Mr. Chadwick that the Board grant the following waivers, 1-9. The Board voted unanimously in favor.

1. 4 Full size 24” x 36” proposed conditions plan;
2. Topography of land in 2’ contours;
3. Mark areas subject to Wetland Protection Act on plan (N/A);
4. Detailed calculations for required parking (N/A);
5. Names, deed and plan references for all direct abutters;
6. Notations indicating any variances or zoning relief granted for property (N/A);
7. Lighting on plan (N/A);
8. Easements on plan (N/A);
9. Building plans pertaining to house. (Pool Plans provided).

Ms. Maslowski moved with a second by Mr. Chadwick that the Board grant the Special Permit in order for the Applicant to build a residential pool within the Six Ponds Special District pursuant to the Code of the Town of Harwich §325-94 (A)(4) and MGL CH 40A sec 9 with the following conditions:

1. Prior to draining water from the pool for closure in the off season, the owner shall not chlorinate or super chlorinate the pool for 3 days to lower the concentration of chlorine in the water.
2. The owner shall not discharge any pool water within 300’ of Aunt Edie’s pond located at the rear property line. Water discharged from the pool shall not cause any soil erosion.
3. The pool will have an ASTM certified automated rolling pool cover.
4. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address.
5. This Special Permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

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

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

OPPOSED: 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

 Gail McAleer, Assessor

 Alan Einhorn