

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

 June 5, 2023

Chelsea Nicolas & Jason Strohmaier

115 Route 28

West Harwich, MA 02671-1114

Dear Chelsea and Jason,

Please be advised that at a duly advertised, posted and noticed public hearing opened on May 23, 2023, the Harwich Planning Board (the ‘Board’) **voted unanimously to approve** with conditions a Special Permit in accordance with the Harwich Zoning Bylaw Sections 325-51, 325-55 and 325-154 D to allow for a change of use in order for the owners to operate a Bed & Breakfast.

**Case No.:** PB2023-16

**Applicants:** Chelsea Nicolas & Jason Strohmaier

**Location:** 115 Route 28;Assessor’s Map10, ParcelW7-1

**Owner:** Chelsea Nicolas & Jason Strohmaier

**Zoning District(s):** Commercial Highway **(**CH-1) and the West Harwich Special District.

**Deed Reference:** Book 34071, Page 15

**Decision Date:** May 23, 2023

**SUMMARY OF PROCEEDINGS:**

The public hearing on this matter was opened on Tuesday, May 23, 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 May 4, 2023 and May 11, 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 Applicants.

Acting and voting on the matter at the May 23, 2023 hearing were: Duncan Berry, Chairman, Craig Chadwick, Vice Chairman, David Harris, Mary Maslowski, Emily Brutti, Ann Clark Tucker and Harry Munns.

The Applicants presented the case to the Planning Board who reviewed the materials and asked for clarifications on some of the proposal, specifically, the parking plan. The Board then opened the hearing for public comments. Speaking on behalf of herself and her husband, Sally Urbano gave her support for the project. Cindy Williams, Director of the Harwich Chamber of Commerce also enthusiastically endorsed the project. In addition, letters of support were received by 4 of the neighbors. 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 in accordance with sections 325-51, 325-55 and 325-154 D 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**

* Narrative Statement from Applicants;
* Completed application Form A;
* Abutters Application;
* Municipal Lien Certificate;
* Request for waivers;
* Site Plan prepared by Moran Engineering Associates, LLC, dated 10/13/20;
* Landscaping and Lighting Plan;
* Filing fee;
* Floor Plans;
* Project review memorandum from Paul Halkiotis, Town Planner dated 5/17/23.

**Vote of the Harwich Planning Board**

On a motion from Ms. Maslowski with a second by Mr. Chadwick, the Planning Board voted unanimously (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. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayments.”

In Addition, the Board found that:

[**(1)**](https://ecode360.com/12263460#12263460)The subject property has an existing main house, an attached cottage and a detached carriage house. The owners plan on renting the existing carriage house and rooms in the existing 5-bedroom house. They plan on living in the attached cottage;

[**(2)**](https://ecode360.com/12263463#12263463)There will be sufficient off-street parking spaces (12), compliant with Section 325-39 of the Zoning Bylaw which requires 1.25 parking spaces per bedroom (9).

**(3)** The plans demonstrate compliance with the above-mentioned Special Permit requirements 325-51.

On a motion from Ms. Maslowski with a second by Mr. Chadwick, the Planning Board voted unanimously (7-0) to grant the requested waiver from the strict requirements of Stormwater/Drainage calculations.

On a motion from Ms. Maslowski with a second by Mr. Chadwick, the Planning Board voted unanimously (7-0) that the Board grant a Site Plan Review Special Permit in accordance with the requirements of the Code of the Town of Harwich Sections 325-51, 325-55 and 325-154D for the property located at **115 Route 28**, Assessor’s Map 10, Parcel W7-1 in the Commercial Highway (CH-1) Zoning District and the West Harwich DCPC.

The following conditions apply:

**Conditions of Approval**

1. Work shall be in accordance with the Site Plan referenced in the application above.
2. This decision shall run with the property.
3. This decision shall not be effective until the approved 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 any construction.
4. Changes to the site not authorized under this decision may require further Planning Board review and modification to this decision.

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

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