



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

Certificate of Action Special Permit Approval

June 6, 2023

Katharine G. Hollister, Tr.
Katharine G. Oliva Living Trust
16 Samoset Rd.
Harwich, MA 02645

Dear Ms. Hollister,

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 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.: PB2023-17

Applicant: Katharine G. Hollister, Tr.

Applicant's Representative: Edward Snyder, Snyder Swimming Pools, Inc.

Location: 16 Samoset Rd., Harwich, MA 02645, Assessor's Map 72, Lot E7

Owner: Katharine G. Hollister, Tr.

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

Deed Reference: Book 19466, Page 252

Decision Date: May 23, 2023

SUMMARY OF PROCEEDINGS:

The public hearing in 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 Applicant's agent.

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TOWN CLERK
HARWICH, MA
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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 Applicant's Representative, Edward Snyder of Snyder Pools, Inc. presented the case to the Planning Board via remote access. The Board reviewed the materials and asked for clarifications on some of the proposal, specifically, the topography and potential noise concerns. 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 4/3/23;
- Pool Schematics (7 pages) by Dexby Terra dated 3/23/23;
- Filing fee;
- Project review memorandum from Paul Halkiotis, Town Planner dated 5/17/23.

Vote of the Harwich Planning Board

On a motion from Mary Maslowski with a second by Craig Chadwick, the Planning Board voted (7-0-) to adopt the following findings:

- (a) The use as developed will not adversely affect the neighborhood.
- (b) The specific site is an appropriate location for such a use, structure or condition.
- (c) There will be no nuisance or serious hazard to vehicles or pedestrians.
- (d) 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, 1-7. The Board voted unanimously in favor.

- 1) Topography of land in 2' contours; (Lot is small and fairly level)
- 2) Mark areas subject to Wetland Protection Act on plan;
- 3) Detailed calculations for parking;
- 4) Notations indicating any variances or zoning relief granted for property;
- 5) Lighting on plan;
- 6) Easements on plan;
- 7) 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. Water discharged from the pool shall not cause any soil erosion.
3. 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.
4. Changes to the site not authorized under this decision may require further Planning Board review and modification to this decision.
5. This decision shall run with the property.
6. 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: Duncan Berry, Craig Chadwick, David Harris, Mary Maslowski, Emily Brutti, Ann Clark Tucker and Harry 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.



Duncan Berry, Chairman

8 June 2023

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:

June 9, 2023



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
Edward Snyder, Snyder Swimming Pools, Inc.