

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
BARNSTABLE COUNTY
PLANNING BOARD**

DECISIONS

Special Permits: Site Plan Review and Use Special Permit

Case No.: PB2019-47

Owner/Applicant: 525 Camelot, LLC

Book: 27761 **Page:** 21

Address: 557 Route 28

Map: 14 **Parcel(s):** V9

Zone(s): C-V & RH-1

Hearing Dates: January 28 & February 11, 2020

Decision Date: February 11, 2020

Hearing

Following a duly advertised and scheduled public hearing opened January 28, 2020 and continued to and closed on February 11, 2020 the Town of Harwich Planning Board (“Board”) acting in the matter of case number PB2019-47 voted to approve the Special Permits for the property located at 557 Route 28. The proposal sought a Modification of a Site Plan Review Special Permit for outdoor seating and a Use Special Permit for Restaurant, Fast Food/Take Out. The application is pursuant to the Code of the Town Harwich §325-9, §325-14.O, §325-51 and §325-55.

Present and voting were Board members Mr. McParland, Ms. Maslowski, Mr. Chadwick, Mr. Rouse (Alternate) and via remote participation (telephone) Mr. Harris.

Andrew Singer, Esq. and Chris Henry represented the application for the owner.

Documents

The Board referred to the submitted application, waiver request, and supporting documents along with the plans:

1. Form A – Special Permits & Site Plan Review
2. Municipal Lien Certificate
3. A brief written narrative, date stamped received December 18, 2019
4. A more detail written narrative, date stamped received January 17, 2020
5. Reduced Plan Showing Proposed Site Layout & Materials, dated 4-08-2016 with a latest revision date of 5-24-17, prepared for 525 Camelot LLC, prepared by Coastal Engineering, Co., Sheet C2.1.1
6. Set of Floor Plans prepared for Harwich Port Commons, Farmer’s Market, dated 11-25-19, scale 1/8” = 1’-0”, prepared by dBF Associates Architects:
 - a. Drawing No. 1 – Use Diagram
 - b. Drawing No. A1 – Floor Plans, dated 2-3-20.

Following public deliberation and hearing from all parties having an interest in the case, the hearing was closed on a motion from Ms. Maslowski, seconded by Mr. Chadwick and so voted unanimously (5-0-0) by rollcall vote. The members then reviewed the criteria for granting a special permit.

Findings of Facts Use Special Permit:

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to adopt the following:

1. Said parcel for the proposed use is primarily in the C-V Zoning District and the Village Commercial Overlay District. A small portion of the rear of the parcel is in the RH-1 zoning district.
2. The Restaurant, Fast Food/Take-out Use will be in conjunction with the Retail Market.
3. The Restaurant, Fast Food/Take-out Use is a 'permitted use' by the Planning Board as the Special Permit Granting Authority in the C-V zoning district.
4. The proposed use will not adversely impact traffic flow and safety.
5. The proposed use will be compatible with surrounding land uses.

Decision Use Special Permit:

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to approve with conditions the Use Special Permit for PB2019-47 525 Camelot, LLC, for a Restaurant, Fast Food/Takeout pursuant to the Code of the Town Harwich §§325 9, -14.O, and -51, in association with a retail use, with 24 seats (including 6 outdoor seats) for property located at 557 Route 28 (aka Harwich Port Commons), Map 14 Parcel V9 in the C-V and RH-1 zoning districts. The decision is based on the above findings and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich with the following conditions:

1. The total number of seats shall not exceed twenty-four (24).
2. No more than six (6) outdoor seats are allowable at the Route 28 street side of the building and said seat shall not restrict sidewalk use or impede accessibility.
3. All signage is subject to all Town of Harwich Code regulations and specifically Article VII.

Findings of Facts Modification of Site Plan Review Special Permit:

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to adopt the following:

1. The parcel is primarily in the C-V Zoning District and the Village Commercial Overlay District. A small portion of the rear of the parcel is in the RH-1 zoning district.
2. The Site Plan was scrutinized during the previous reviews pursuant to PB2016-20 and PB2017-13.
3. No significant changes are proposed from the previously approved site plans.
4. The only change to the site plan is the inclusion of six (6) outdoor seats at the front of the building.

Decision for Site Plan Review Special Permit:

On a motion from Ms. Maslowski, seconded by Mr. Chadwick, the Board voted unanimously by rollcall vote (5-0-0) to approve with conditions case number PB2019-47 525 Camelot, LLC for a Modification of a Site Plan Review Special Permit (PB2016-20 & PB2017-13) pursuant to the Code of the Town Harwich §325-55 for a retail use and a 24 seat (including 6 outdoor seats) Restaurant, Fast Food/Take-Out for the property located at 557 Route 28 (aka Harwich Port Commons), Map 14 Parcel V9 in the C-V and RH-1 zoning districts. The decision is based on the aforementioned findings of fact, the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of Town of Harwich and the fact that the retail use is permitted in the zoning district and the Restaurant, Fast Food/Take Out Use Special Permit has been approved. The following conditions are imposed:

1. The total number of seats shall not exceed twenty-four (24).
2. No more than six (6) outdoor seats are allowable at the street side of the building without review and approval by the Planning Board.
3. Said outdoor seating shall not restrict sidewalk use or impede accessibility.
4. All previous condition imposed by the Planning Board, pursuant to PB2016-20 and PB2017-13 shall be adhered to.
5. Signage shall comply with the requirements of the Code of the Town of Harwich and the Building Department.
6. This decision shall be recorded at the Barnstable Registry of Deeds.
7. Conformance with all review procedure requirements outlined pursuant to §400-18.G Inspection, certificate of completion and as-built plan, of the Code of the Town of Harwich shall be met.

All Votes were made by rollcall vote:

FAVOR: McParland, Maslowski, Chadwick, Harris (via remote participation), and Rouse (alternate)
OPPOSED: None
ABSTAIN: None

These Special Permit shall lapse at the end of two years from the date of filing of the Board's decision in the office of the Town Clerk if substantial use therefore has not sooner commenced except for good cause or, if construction has not commenced by such date except for good cause.

Joseph P. McParland, Chairman

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: _____

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