

A TRUE COPY ATTEST:
Quinn M. D'Amico
TOWN CLERK OF
HARWICH, MASS.

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
PLANNING BOARD



DECISIONS

Special Permits: Site Plan Review and Structure Greater than 7,500 s.f.

Case No.: PB2019-13

Owners: Main Street Stone Horse LLC

Deed Bk 31890, Pg 119

Address: 872 Route 28

Map 25 Parcel A2

Zoning District: C-H-1

Hearing Dates: April 23, 2019 and May 14, 2019 Decision Date: May 14, 2019

Hearing

Following a duly advertised and scheduled public hearing opened on April 23, 2019 and immediately continued to May 14, 2019, the Town of Harwich Planning Board ("Board") acting in the matter of case number PB2019-13 voted to **approve** the requested Special Permits for the property located at 872 Route 28 for the construction of two (2) dormitory buildings and appurtenances and the demolition of several motel associated buildings. The application is pursuant to the Code of the Town Harwich §325-9, §325-51 and §325-55.

Attorney William Riley; Terry Eldredge, R.L.S.; Ronald Rudnick, Principal; Angela Tanner, Landscape Architect; Joe Botello, Building Designer and Dan Croteau, P.E. presented the application. A thorough presentation was provided to the Board and the audience. There were numerous questions raised by both Board and audience members. After public deliberation and hearing from all parties having an interest in the case, the Board members closed the hearing and reviewed the criteria for granting the application, referencing the document noted below and voted in the following manner.

Those Board Members voting on this matter were Messrs. Joyce, McParland, Chadwick, Stoltz and Harris and Ms. Maslowski.

Documents

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

1. Form A Planning Board Application stamped received March 19, 2019.
2. Narrative dated March 19, 2019.
3. List of Waivers Requested stamped received March 19, 2019.
4. Zoning Compliance Table
5. Typical Parking Table
6. Drainage Calculations
7. Municipal Lien Certificate showing no taxes due.

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8. Set of Plans for The Stonehorse, prepared by Eldredge Surveying, unless otherwise noted:
- a) Sheet 1 of 5 Cover Sheet, dated 03-09-2019
 - b) Sheet 2 of 5, Existing Conditions Plan, dated 01-09-2109, Scale 1"=30'.
 - c) Sheet 3 of 5, Site Plan, dated 03-09-2019, revised 04-15-19, Scale 1"=30'.
 - d) Sheet 4 of 5, Orthophoto Plan, dated 03-09-2019, revised 04-15-19, Scale 1"=30'.
 - e) Sheet 5 of 5, Post Development Plan, dated 03-09-2019, revised 04-15-19, Scale 1"=30'.
 - f) Sh. 1-E, Septic System & Drainage Layout, dated 03-19-2019, Scale 1"=30'.
 - g) Sheet. 2-E of 2, Typical Detail Sheet, dated 03-19-2019, Scale 1"=30'.
 - h) Sheet L101-1, Conceptual Landscape Plan, dated 03-18-19, Scale 1"=30', prepared by Jenick Studio.
 - i) South Dormitory: Front View, Rear View, Left View and Right View. No date or preparer listed.
 - j) Sh A-2 of 2, First Level Plan, Second Level Plan, Garden Level Plan and Cross Section B, dated 1-17-19, Scale 1/4" = 1'-0", prepared by JB Designs.
 - k) Sheet L-1, Preliminary Site Lighting Plan for Stonehorse – Workforce Housing, dated 03/19/2019, Revised 050319, prepared by Apex Lighting Solutions.
 - l) The Stonehorse, Plant Images, dated 05/03/2019, prepared by Jenick Studio.
 - m) The Stonehorse, Planting and Lighting Plan, dated 05/30/2019, scale 1:20, prepared by Jenick Studio.
 - n) The Stonehorse, South Harwich, MA Urban ScapeLED Post Type Specifications.
 - o) The Stonehorse, Outdoor Light Fixtures, dated 03/18/19, prepared by Jenick Studio.
 - p) The Stonehorse, Hunza Border Light Specifications.
 - q) Photograph of dumpster enclosure.
9. A set of revised elevation plans submitted on May 14, 2019 at the hearing showing a changed roof line:
- a) Front and Rear Elevations, dated 3/22/19, scale 1/4" = 1'-0", page 1 of 11
 - b) Right and Left Elevations, dated 3/22/19, scale 1/4" = 1'-0", page 2 of 11
10. Light specifications submitted on May 14, 2019 at the hearing showing a "Tech Lighting 700WSPITSB-LED830 Outdoor Wall Sconce for over the exterior doors.

Waiver(s):

On a motion by Mr. McParland and seconded by Ms. Maslowski, the Planning Board voted (5-1-0) with Mr. Stoltz voting against to approve the following waivers pursuant to §400 Appendix 4 and 4.A of information required to be provided on the plan(s):

1. Mark Areas set aside for Conservation and/or Recreational Use
2. Sidewalks.
3. Traffic Circulation.
4. Waterlines.
5. Electrical.
6. Gas.
7. Cable.

Findings of Facts:

On a motion by Mr. McParland and seconded by Ms. Maslowski the Board voted unanimously (6-0-0) to adopt the following findings of fact:

1. The use is allowable by the issuance of a use variance from the Harwich Zoning Board of Appeals, ZBA Case #2018-32.
2. The properties are located primarily within the C-H-1 zoning district.
3. There are two means of access: Route 28 and Old County Road.
4. The facility will be used seasonally, summer, spring and fall and with no more than 20 rooms used between November 15 and April 14.
5. Space has been provided for bicycle parking both inside and outside of the building.
6. The applicant will be pursuing the establishment of a bus stop on the Route 28 side of the property.
7. The proposed septic system will include advanced treatment and said system has been approved, with conditions, by the Harwich Board of Health.
8. The existing curb cut onto Deep Hole Road will be eliminated.
9. Parking along Old County Road for the motel will be eliminated.
10. The buildings, with the exception of the out buildings, sheds and gazebo will be sprinklered for fire safety. The proposed driveway from Route 28 to Old County Road will allow for fire access on all sides of the buildings.
11. There will be a substantial increase in separation between the proposed facility and the residential properties to the northeast of the subject property and an additional vegetated buffer is proposed at the common lot line.
12. The landscaping as shown is adequate and appropriate for the site.
13. A dumpster location provided meets the minimum requirements.
14. The requested waivers do not substantially derogate from the purpose and intent of this bylaw.

DECISIONS**Vote on Special Permit for Structures > 7,500 s.f.**

On a motion from Mr. McParland, seconded by Mr. Harris, the Board voted unanimously (6-0-0) to approve case number PB2019-13 Main Street Stone Horse LLC, as owner, c/o William F. Riley, Esq., a Special Permit for structures greater than 7,500 s.f. to redevelop the property known as the Stone Horse. The property is located at 872 Route 28, Map 25 Parcel A2 in the C-H-1 zoning district. The application is pursuant to the Code of the Town of Harwich §§325-9, -51 and 55. 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.

Site Plan Review Special Permit:

On an amended motion from Mr. McParland and seconded by Ms. Maslowski, the Planning Board voted unanimously (6-0-0) to approve with conditions case number PB2019-13 Main Street Stone Horse LLC, as owner, c/o William F. Riley, Esq., for a Site Plan Review Special Permit with waivers to redevelop the property known as the Stone Horse. The proposal includes the construction of two (2) new dormitory buildings (Board of Appeals decision #2018-32, granted October 31, 2018); appurtenant sheds, site improvements; demolition of

three (3) motel buildings, one wood frame dwelling and two (2) sheds; reconfiguration of the existing driveways and parking areas; renovation of the existing office/dwelling and the relocation and rehabilitation of the gazebo. The property is located at 872 Route 28, Map 25 Parcel A2 in the C-H-1 zoning district. The application is pursuant to the Code of the Town of Harwich §§325-51 and 55. 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 use was permitted by the Harwich Zoning Board of Appeals, with the following conditions:

1. The Dormitory Use was approved by the Harwich Zoning Board of Appeals, recorded at the Barnstable County Registry of Deeds Book 31998 Page 236. Said decision remains part of the approval for the property. Any changes of use may require additional relief from the Zoning Board of Appeals.
2. Any changes to the site plan shall be subject to further Planning Board review and approval in the form of a modification to the site plan review and approval.
3. If the need for additional parking arises, a modified site plan must be filed with the Planning Board.
4. The Site Plan and Use Special Permit decision shall be recorded at the Barnstable Registry of Deeds.
5. 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.
6. Trash pickup shall not occur before 7:00 am and after 9:00 pm.

The Planning Board's votes are as recorded in this decision.

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.


James T. Joyce, 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: MAY 16 2019


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: MAY 16 2019 Twenty Days Elapsed: JUN 06 2019

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register


Town Clerk


TOWN OF HARWICH PLANNING DEPARTMENT



PLANNING BOARD APPLICATION SPECIAL PERMITS & SITE PLAN REVIEW FORM A

TO THE TOWN CLERK, HARWICH, MA DATE _____

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	Main Street Stone Horse, LLC
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	William F. Riley Riley & Norcross, LLC
Mailing address	P.O. Box 707
Town, ST, Zip	Chatham, MA 02633
Phone	508-945-5400
Fax	508-945-4110
E-mail	wfriley@rileyandnorcross.com

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The applicant is one of the following: (please check appropriate box)

- Owner
 Prospective Buyer*
 Representative for Owner/Tenant/Buyer*
 Tenant*
 Other* _____

**Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.*

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Main Street Stone Horse by W.F. Riley

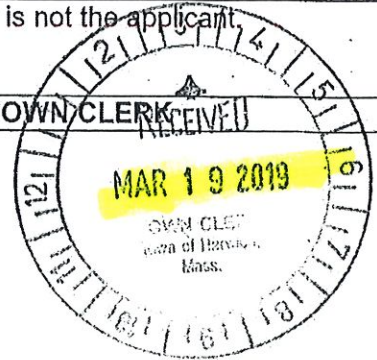
 Applicant

Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
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Case # PB-2019-13



PART B – PROJECT LOCATION

Legal Street Address	878 Route 28	Village/Zip Code	02645
Title Book/Page or L.C.C. #	Map 25, Parcel A2		
Map(s) / Parcel(s)	CH 1		
Zoning & Overlay Districts	589.16 ft. & 184.65 ft. & 679.34 ft.	*Historic?	No
Frontage (linear feet)			
Total land area (s.f.)	113,778		
Upland (s.f.)	113,778	Wetlands (s.f.)	0

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross: 15,251 sq. ft.	Net:
Proposed Floor Area in Sq. Ft	Gross: 38,034 sq. ft.	Net:
Change in Sq. Ft +/-	Gross: 50	Net:
Existing # of parking spaces	Proposed # of parking spaces:	
Existing Use(s)	Mixed use motel & multi family	
Proposed Use(s)	Work force Housing, see attached narrative	
<i>Attach a separate narrative if necessary.</i>		

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: **(check all that apply)**

Site Plan Review § 325-55:

- Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window
- Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.
- Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.
- Establishment of any new retail use(s) in the Industrial (IL) Zone.
- Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

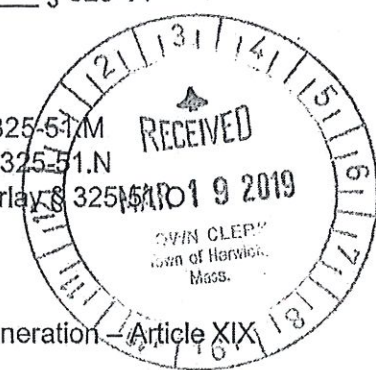
- Paragraph _____, sub-paragraph # _____
- Paragraph _____, sub-paragraph # _____
- Paragraph _____, sub-paragraph # _____, supplemental regulation # _____ § 325-14

Article X, Special Permits:

- Structures w/ gross floor area of 7,500+ s.f. § 325-51
- Structures requiring 20 or more new parking spaces § 325-51
- Accessory Apt./Shared Elderly Housing § 325-51.H
- Mixed Use § 325-51.M
- Drinking Water Resource Protection § 325-51.C
- Two Family § 325-51.N
- Village Commercial, Harwich Port § 325-51.L
- *Harwich Center Overlay § 325-51.O
- Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

Other Special Permits:

- Six Ponds Special District - Article XVI
- Wind Energy Systems - Article XVIII
- Large Scale Wind Generation - Article XIX
- Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B) _____
- Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on _____ Year/Case # _____



**Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District and Historical Commission. Please inquire for forms and instructions.*

Typical Parking Schedule

Parking Requirements Generator	Quantity or Rated Capacity	Basis for Parking Calculation per Zoning Bylaw	Number of Spaces Required
Manager Apt.	1.5	1.5 per unit	1.5
Dormitory	89 Room	1 space for each unit	89
	2	1 space for every 2 employees, maximum shift	1
Total Number of Spaces Required			91.5



Narrative

To: Harwich Planning Board
Date: March 19, 2019
Property: 872 Route 28, South Harwich
Petitioner: Main Street Stone Horse, LLC



The Petitioner seeks a site plan special permit under §X(K) of the Harwich Zoning Bylaw to redevelop the subject property as shown on submitted plans.

A site plan special permit is required because the redevelopment includes the reconfiguration of existing driveways and parking areas; and construction of new buildings and hardscapes.

The Harwich Zoning Board of Appeals granted a **variance** on November x, 2018 to permit the proposed dormitory use for **work force housing** on the subject property.

The Petitioner proposes to demolish three- (3) existing motel buildings, an existing 1 story wood frame building (dwelling) and two- (2) existing sheds on the subject property.

The **existing office/dwelling and a gazebo will remain** and both will be rehabilitated. Two- (2) new dormitory buildings will be built with an accessory shed, extensive hardscape and landscape.

A total of 90 bedrooms are proposed: 42 bedrooms in each of the two new dormitory buildings and 6 bedrooms in the existing office/dwelling (*4 or 5 bedrooms currently exist in this building*). One or two of the bedrooms will be used for living quarters for a full-time manager.

The facility will be **used seasonally**, summer, spring and fall with little or no use in the winter months.

A total of 17 **parking spaces**, 6 paved and 11 grass are proposed. Pursuant to §325-39 of the Harwich Zoning Bylaw 91 spaces are required. It is anticipated that few, if any occupant will have an automobile. **Space has been provided for bicycle parking** both

inside and outside the buildings. More room has been provided than needed for each tenant's bicycle. The Petitioner requests a **waiver** from parking requirements.

In addition, the Petitioner will be pursuing the establishment of a **bus stop** on the Route 28 side of the property. The existing gazebo is being relocated for this use.

While the number of bedrooms is increasing from 45 to 90, the proposed septic system will include **advanced treatment** which will reduce nitrogen load on the site significantly to less than 10 ppm, which meets drinking water standards.

Traffic safety will be improved significantly by closing the existing curb cut on Deep Hole Road and the significant decrease in traffic flow anticipated. **Parking along Old County Road will be eliminated** further improving traffic safety.

Five- (5) **fire hydrants** are located within 500 feet of the subject property, with three- (3) within 50 feet of the subject property. The buildings, with the exception of the out buildings, shed and gazebo will be **sprinkled for fire safety**. The proposed driveway from Route 28 to Old County Road effectively provides **fire access on all sides of the buildings**.

There will be a **substantial increase in separation between the proposed facility and the residential properties** to the northeast of the subject property. In addition, the Petitioner is proposing a **vegetated buffer** within 20 feet of the common lot line as shown on the submitted plans.

There will be a significant increase in plantings and hardscape on the subject property which will **enhance the esthetic look** of the subject property, which will benefit to the neighborhood.

