



TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Craig Chadwick Vice Chair, Mary Maslowski,
Anne Clark Tucker and Emily Brutti, Harry Munns and Allan Peterson

A TRUE COPY, ATTEST:

Emily Mitchell

TOWN CLERK OF
HARWICH, MASS

Certificate of Action Site Plan Special Permit Modification Approval

November 14, 2023

Main Street Stone Horse, LLC
c/o Attorney William Riley
Riley & Norcross, LLC
P.O. Box 25
Chatham, MA 02633

Please be advised that at a duly advertised, posted and noticed public hearing opened on 6.27.23, and continued on 7.11.23, 7.25.23, 8.22.23, 9.12.23, 9.26.23, 10.10.23 and 10.24.23, the Harwich Planning Board (the 'Board') **voted to approve** with conditions a modification to the Site Plan Special Permit (PB2019-13) for the property at 872 Route 28 and in accordance with the Harwich Zoning Bylaw Section 325-55 in order to allow for changes to hardscape and landscape as well as building uses.

Case No.: PB2023-20

Applicant: Main Street Stone Horse, LLC

Agent: Attorney William Riley

Location: 872 Route 28, Harwich, MA 02645; Assessor's Map 25, Lot A2

Owners: Main Street Stone Horse, LLC

Zoning Districts: Commercial Highway (CH-1)

Decision Date: October 24, 2023

SUMMARY OF PROCEEDINGS:

The public hearing in this matter was opened on Tuesday, June 27, 2023 at 6:45 PM in the Griffin Room at Town Hall as well as via remote participation using GoToMeeting and continued on 7.11.23, 7.25.23, 8.22.23, 9.12.23, 9.26.23, 10.10.23 and 10.24.23. 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 June 8, 2023 and June 15, 2023. The plans were distributed to the Health Department, Conservation

PB2023-20 Main Street Stone Horse, LLC

Book 31890, Page 119 Inst: 11386

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Department, Highway Department, Police, Fire and Water Departments for comments. Comments received by each were distributed back to the Applicant.

Acting and voting on the matter were: Duncan Berry, Chairman, Emily Brutti, Ann Clark Tucker, Harry Munns and Allan Peterson.

Attorney William Riley presented the case to the Planning Board along with Land Surveyor, Terry Eldredge. They noted that there would be no additional traffic and eventually removed the request for additional parking. The Board reviewed the materials presented as well as testimony from the Applicant and abutters. This modification is to the Site Plan Special Permit granted in 2019 (PB2019-13). After accepting testimony from all parties having an interest in the case, the Board voted to close the public hearing. The members then deliberated and reviewed the criteria for granting a modification to the Site Plan Special Permit in accordance with section 325-55 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

- 1) Form A and Narrative;
- 2) Zoning Table;
- 3) Municipal Lien Certificate;
- 4) As Built Plan by Eldredge Surveying, dated 1/26/23;
- 5) Site and Landscape Plan by Eldredge Surveying, dated 3/9/19, revised 10/2/23;
- 6) Landscape Plan by Terry W. Eldredge under supervision of E. Scott Leonard, Emeritus, Landscape Architect dated 9/28/23;
- 7) PB2019-13 Special Permit Decision and Application;
- 8) "Work in Progress Plan" by Terry Eldredge, LS, dated 7/19/23, revised 9/8/23;
- 9) Abutters Application;
- 10) Fee
- 11) Correspondence of concern and opposition from abutters to the property;
- 12) Staff Report dated June 14, 2023, Revised September 26, 2023 and October 4, 2023.
- 13) Progress and Schedule correspondence and photos (varying dates) from Attorney William Riley, Planning Board Chair, Duncan Berry, the Building Commissioner, Jack Mee, Streibert Associates – Architects, and the Surveyor, Terry Eldredge;
- 14) Handicap Ramp Plan prepared by T. W. Eldredge, LS, dated 8/29/23;
- 15) As Built Plan by Terry W. Eldredge, PLS dated 11/5/23.

Findings of the Harwich Planning Board

On a motion from Mr. Peterson with a second by Ms. Clark Tucker, the Planning Board voted (5-1-0) to adopt the following findings with Ms. Masłowski abstaining:

1. The Applicant and owner is Main Street Stone Horse, LLC
2. The Location is 872 Route 28, Harwich, MA 02645, Assessor's Map 25, Lot A2 in the Commercial Highway (CH1) zoning district.

3. The lot area is 2.61 acres and the use is Mixed Use Workforce Housing.
4. The Applicant has applied to modify the Special Permit granted in 2019, PB2019-13 with parking (since removed from the request), hardscape and landscape changes that includes a change from 4 originally approved patios to 1 larger patio.
5. This Special Permit modification is pursuant to MGL Ch. 40A, Section 9; Section 325-51 of the Code of the Town of Harwich and the Harwich Subdivision of Land and Site Plan Special Permit Regulations.
6. On 5/11/23 the Applicant's representative submitted the Special Permit application to the Planning Office and the Town Clerk. The public hearing notice was advertised in the Cape Cod Chronicle on June 8 and June 15, 2023. Copies of the application package were sent to the following Departments inviting them to comment on the project: Health, Water, Fire, Conservation, Public Works, and Police Departments. Duly advertised public hearings have been held on 6/27/23, 7/11/23, 7/25/23, 8/22/23, 9/12/23, 9/26/23, 10/10/23 and 10/24/23;
7. All facts and conditions of the original Special Permit except as they may be herein amended;
8. Materials considered by the Board included:
 - a. Form A and Narrative;
 - b. Zoning Table;
 - c. Municipal Lien Certificate;
 - d. As-built Plan by Eldredge Surveying, dated 1/26/23;
 - e. Site Plan by Eldredge Surveying, dated 3/9/19, revised 10/2/23;
 - f. PB2019-13 Special Permit Decision and Application;
 - g. "Work in Progress Plan" by Terry Eldredge, LS, dated 7/19/23, revised 9/8/23
 - h. Abutters Application;
 - i. Fee
 - j. Correspondence of concern and opposition from abutters to the property;
 - k. Progress and Schedule correspondence and photos (varying dates) from Attorney William Riley, Planning Board Chair, Duncan Berry, the Building Commissioner, Jack Mee, Streibert Associates – Architects, and the Surveyor, Terry Eldredge;
 - l. Handicap Ramp Plan prepared by T. W. Eldredge, LS, dated 8/29/23;
9. The modification request is for hardscape and landscape changes (originally 4 patios to 1 larger patio) on the site of two dormitory-style buildings with 90 bedrooms for housing seasonal (summer, spring and fall) workforce with no more than 20 rooms used between November 15 and April 14 (Finding #4 of 2019 Decision).
10. The original motel office building has been vacated of seasonal employees and is now designated as a Single-Family unit for the caretaker.
11. In addition, the Board reaffirms the findings in the original special permit except as they may be amended herein.

Based upon those findings and all submitted materials and testimony, Mr. Peterson then made a motion which was seconded by Ms. Clark Tucker that the Board grant the requested Modifications for Case PB2023-20 (modifying Site Plan Special Permit PB2019-13), for the property at 872 Route 28 as conditioned by the following. The Board voted in favor, 5-1-0 with Ms. Maslowski abstaining.

IN FAVOR: Mr. Berry, Ms. Brutti, Ms. Clark Tucker, Mr. Munns and Mr. Peterson.

OPPOSED: None

ABSTAINED: None

Conditions of Approval

- The proposed re-development shall be in accordance with the site plan referenced in the application materials above.
- This decision shall run with the property.
- This decision shall not be effective until it is recorded with the Barnstable Registry of Deeds.
- Changes to the site not authorized under this decision shall require further Planning Board review and modification to this decision.
- The applicant shall conform to the inspection, certification and as-built plan requirements outlined pursuant to the Code of the Town of Harwich.
- The owner will maintain landscaping according to the plans submitted. Any plantings that fail to thrive or die will be replaced by the owner with replacements of similar size and type as those presented with the final Landscape Plan in a timely fashion.

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

14 Nov. 2013

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:

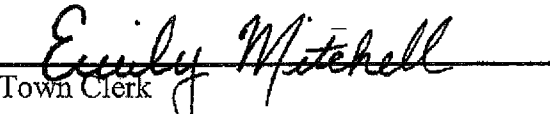
November 15, 2023


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: December 6, 2023


Town Clerk

cc: Emily Mitchell, Town Clerk
Jack Mee, Building Commissioner
Carlene Jones, Assessor
Attorney William Riley