



# 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 Site Plan Special Permit Approval

July 7, 2023

Rick Roy Properties, LLC  
123A Queen Anne Rd.  
Harwich, MA 02645

Dear Mr. Roy,

Please be advised that at a duly advertised, posted and noticed public hearing opened on June 27, 2023, the Harwich Planning Board (the 'Board') **voted unanimously to approve** with conditions a Site Plan Special Permit in accordance with the Harwich Zoning Bylaw Sections 325-51 and 325-55 in order to construct a 3,600 sf. two-bay steel and concrete building for storage of company supplies and materials.

**Case No.:** PB2023-21

**Applicant:** Rick Roy Properties, LLC

**Agent:** David Clark, PE, Clark Engineering, LLC

**Location:** 123 Queen Anne Road; Assessor's Map 57, Parcel G3-15-1

**Owners:** Rick Roy Construction, LLC & Brendan Donovan

**Zoning District:** Industrial Light (IL)

**Deed Reference:** LCC 37943 Certificate C359A, Deed Book 35638, Pg. 81

**Decision Date:** June 27, 2023

### SUMMARY OF PROCEEDINGS:

The public hearing in this matter was opened on Tuesday, June 27, 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 June 8, 2023 and June 15, 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.

Acting and voting on the matter were: Duncan Berry, Chairman, Craig Chadwick Vice Chairman, Mary Maslowski, David Harris, Emily Brutti, Ann Clark Tucker and Allan Peterson.

RECEIVED  
TOWN CLERK  
HARWICH, MA  
2023 JUL 11 A 11:03

The applicant was represented by David Clark, PE, of Clark Engineering, LLC. He presented the case to the Planning Board. The Board reviewed the materials. Mr. Berry read portions of the staff report saying that the project complies with zoning and parking requirements. 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 Site Plan Special Permit in accordance with section 325-51 and 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**

- Form A and Narrative;
- Municipal Lien Certificate;
- Site Plan by Clark Engineering, LLC, dated 5/18/23;
- Building Plans (A1-A2) By RJR Management;
- Stormwater Report by Clark Engineering, LLC, date 5/18/23;
- Abutters Application;
- Fee
- Project review memorandum from Paul Halkiotis, Town Planner dated 6/13/23.

### **Findings of the Harwich Planning Board**

On a motion from Ms. Maslowski with a second by Mr. Peterson, the Planning Board voted unanimously (7-0-0) to adopt the following findings:

1. The applicant has applied to the Planning Board for Site Plan Approval & Special Permit pursuant to Sections 325-51 and 325-55 of the Harwich Zoning Bylaw.
2. The subject property is located at 123 Queen Anne Road, Harwich, located in the Industrial Light (IL) Zoning District.
3. The property currently has is a 3-bay concrete and metal commercial building.
4. The applicant proposes to construct a 3,600 sf. two-bay steel and concrete building for storage of company supplies and materials.
5. Abutters to the subject property were notified of the public hearing and provided with opportunity to comment on the application.
6. In view of the particular characteristics of the site, and the proposal in relation to that site, the Board finds that the proposed project does not present a nuisance nor serious hazard to vehicles or pedestrians.
7. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.



8. The applicant has met all the requirements for a Site Plan Special Permit pursuant to the Harwich Zoning Bylaw.

At the June 27, 2023 Planning Board meeting, Ms. Maslowski made a motion which was seconded by Mr. Peterson that the Board grant the requested Special Permit for Case PB2023-21. The Board voted unanimously in favor. 7-0-0

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

**OPPOSED:** None

**ABSTAINED:** None

**Conditions of Approval**

1. The proposed site improvements and building renovations 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 Site Plan 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 construction.
4. Changes to the site not authorized under this decision may require further Planning Board review and modification to this decision.
5. The applicant shall conform to the inspection, certification and as-built plan requirements outlined pursuant to the Subdivision of Land and Site Plan Special Permit section of the Harwich Code.

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.



10 July 2023

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:

JULY 11, 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  
Carlene Jones, Assessor  
Dave Clark