

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

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Certificate of Action

Site Plan Special Permit Approval

 August 4, 2023

Todd LaBarge and Lori LaBarge

237 Route 28

West Harwich, MA 02671

Dear Todd & Lori,

Please be advised that at a duly advertised, posted and noticed public hearing opened on July 25, 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 163 sf. addition of office space at 237 Route 28.

**Case No.:** PB2023-24

**Applicants**: Todd & Lori LaBarge

**Agent:** Casey Furnas

**Location:** 237 Route 28;Assessor’s Map12, ParcelN1-1

**Owners:** Todd & Lori LaBarge

**Zoning District:** Commercial Highway (CH-1)

**Decision Date:** July 25, 2023

**SUMMARY OF PROCEEDINGS:**

The public hearing in this matter was opened on Tuesday, July 25, 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 July 6, 2023 and July 13, 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 Applicants’ agent.

Acting and voting on the matter were: Duncan Berry, Chairman, Craig Chadwick Vice Chairman, Mary Maslowski, Emily Brutti, Ann Clark Tucker and Harry Munns.

The Applicant presented the case to the Planning Board. The Board reviewed the materials. Ms. Maslowski 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, Special Permit Application and Narrative;
* Sewage Disposal System Profile dated 5/23/1991;
* Building Plans/Elevations (existing & proposed), Pages EX1, Ex2, A1, A2 & A3;
* Municipal Lien Certificate;
* Abutter Request Form;
* Filing Fee
* Planning Staff Review Memo dated 7/13/23.

**Findings of the Harwich Planning Board**

On a motion from Ms. Maslowski with a second by Mr. Chadwick, the Planning Board voted unanimously (6-0-0) 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 237 Route 28, West Harwich, located in Commercial Highway Zoning District.
3. The Applicant proposes to construct a small 163 square foot addition to enhance office space.
4. Abutters to the subject property were notified of the public hearing and provided with opportunity to comment on the application.
5. 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.
6. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
7. The Applicant has met all the requirements for a Site Plan Special Permit pursuant to the Harwich Zoning Bylaw.

At the July 25, 2023 Planning Board meeting, Ms. Maslowski made a motion which was seconded by Mr. Chadwick that the Board grant the requested Site Plan Special Permit for Case PB2023-24, 237 Route 28 West Harwich. The Board voted unanimously in favor. 6-0-0

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

OPPOSED: None

**ABSTAINED:** None

**Conditions of Approval**

1. The proposed construction shall be in accordance with the Site Plan referenced in the application above.
2. This decision shall run with the property.
3. The Applicant will direct any sump pump runoff on site.
4. 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.
5. Changes to the site not authorized under this decision may require further Planning Board review and modification to this decision.
6. The Applicant shall conform to the inspection, certification and as-built plan requirements outlined pursuant to the 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.

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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:

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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

 Casey Furnas