

Emily Mitchell

TOWN CLERK OF
HARWICH, MASS



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 - Approval Use Special Permit (2) Site Plan Review Special Permit

August 28, 2023

Harwich Fire Association
c/o Attorney William Crowell
P.O. Box 185
Harwich Port, MA 02646

Dear Attorney Crowell,

Please be advised that at a duly advertised, posted and noticed public hearing opened on August 22, 2023, the Harwich Planning Board (the 'Board') voted **unanimously to approve** with conditions:

- 1) A Site Plan Review Special Permit in accordance with the Harwich Zoning Bylaw Sections 325-51 and 325-55 in order to increase use and to expand parking from 7 spaces to 28 spaces.
- 2) A Use Special Permit in order to convert the first floor of an existing, decommissioned fire house to create a historical/educational fire museum.
- 3) A Use Special Permit for multi-family apartments (3) on the second floor.

Case No.: PB2023-25

Applicant: Harwich Fire Association

Agent: Attorney William Crowell

Location: 203 Bank Street; Assessor's Map 25, Parcel B3

Zoning District: Residential Rural (RR) and Residential Low Density (RL), split lot

Deed Reference: Deed Book 35530, Pg. 91

Decision Date: August 22, 2023

SUMMARY OF PROCEEDINGS:

The public hearing in this matter was opened on Tuesday, August 22, 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 August 3, 2023 and August 10, 2023. The plans were distributed to the Health

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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: Vice Chairman, Craig Chadwick, Mary Maslowski, Emily Brutti, Ann Clark Tucker, Harry Munns and Allan Peterson.

The Applicant was represented by Attorney William Crowell of Harwich Port who presented the case to the Planning Board. The Board reviewed the plans presented as well as the Planning Department staff report. Public comments included those by Robert Dougan who is the Walpole Deputy Building Commissioner. He suggested to the Board that they seek a legal opinion from Town Counsel regarding the application as he believed that the property should be designated as "multi-use". The Board disagreed and accepted the application as presented. Carla Burke had questions about the lighting and Dennis Najarian thought that the Board should commission a traffic study. The Board did not agree.

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 the Special Permit for the Nonprofit/Education Museum Use, the Special Permit for the 2nd floor Multi-Family Use and the Site Plan Special Permit in accordance with section 325-51 and section 325-55 of the Zoning Bylaw.

The decision in these matters 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) Site Plan by Paul Sweetser, PLS, dated 9/16/21;
- 3) Site Plan from Harwich ANR dated 1/21/55;
- 4) Existing Conditions Plan of Land by Paul Sweetser dated 7/20/23;
- 5) Existing Conditions Plan of Land (focus scale) by Paul Sweetser dated 7/20/23;
- 6) Preliminary Parking Design Plan by BSC Group dated 2/24/23;
- 7) Preliminary Landscape Plan by BSC Group dated 2/24/23;
- 8) Locus Map
- 9) Elevation Concept Drawings and Floor Plans, pages P-1, P-2, P-3, P-4, P-5, P-6, P-7 and P-8 dated 6/11/23;
- 10) Request for waiver of drainage/stormwater plans;
- 11) Abutters Application;
- 12) Filing Fee

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 Review Special Permit and two (2) Use Special Permits pursuant to Sections 325-51 and 325-55 of the Harwich Zoning Bylaw.

2. The subject property is located at 203 Bank Street, Harwich in the Residential Rural (RR) and Residential Low Density Zoning Districts (split lot).
3. The property currently has on it a decommissioned fire house.
4. The Applicant proposes to refurbish and convert the first floor of the existing building into a fire museum and the second floor into multi-family space with 3 apartments.
5. Because there will be a reduction in hardscape on the property, the Board granted a waiver of submission of drainage and stormwater calculations.
6. Abutters to the subject property were notified of the public hearing and provided with opportunity to comment on the application.
7. 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, will not adversely affect the neighborhood, and is an appropriate location for the proposed uses.
8. Adequate and appropriate facilities including septic will be provided for the proper operation of the proposed uses, and the structure will be connected to Town Water.
9. The Applicant has met all the requirements in the ByLaw for a Site Plan Special Permit pursuant to the Harwich Zoning Bylaw.
10. The Applicant has also met all the requirements in the ByLaw for the issuance of two (2) Use Special Permits pursuant to the Harwich Zoning Bylaw.

At the August 22, 2023 meeting, Ms. Maslowski made a motion which was seconded by Ms. Clark Tucker that the Board grant the requested Use Special Permit for the conversion of the first floor of the existing structure to an educational museum. The Board voted unanimously in favor. 6-0-0

Ms. Maslowski also made a motion which was seconded by Mr. Peterson that the Board grant the requested Use Special Permit for the multi-family use in order to construct 3 apartments on the second floor of the existing structure. The Board voted unanimously in favor. 6-0-0

Ms. Maslowski then made a motion which was seconded by Ms. Brutti that the Board grant the requested Site Plan Special Permit for the expansion and reconfiguration of parking and for the establishment of the educational museum use and the multi-family use. The Board voted unanimously in favor. 6-0-0

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

OPPOSED: None

ABSTAINED: None

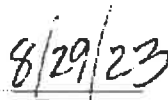
Conditions of Approval

1. The proposed site improvements and building renovations shall be in accordance with the Site Plan referenced in the application.
2. This decision shall run with the property.
3. This decision shall not be effective until the Certificate of Action for the two approved Use Special Permits and the Site Plan Special Permit 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 in association with these Special Permits.
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 Site Plan Special Permit section of the Harwich Code.

These special permits 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.



Craig Chadwick, Vice 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:

August 30, 2023

Emily Mitchell
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: SEPTEMBER 20, 2023

Emily Mitchell
Town Clerk

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