***Memorandum***

**From**: Shelagh Delaney, Planning Assistant

**To**: Planning Board

**RE**: Case PB 2023-25 – Harwich Fire Association, Inc. – Special Permits (2) and Site Plan Review Special Permit

**Date**: August 17, 2023

**Applicant**: Harwich Fire Association, Inc.

**Land Owner**: Harwich Fire Association, Inc.

**Applicant’s Representative**: Attorney William Crowell

**Land Owner’s Address:** P.O. Box 23, Harwich Port, MA 02646

**Location**: 203 Bank Street, Harwich, MA, Assessor’s Map 25, Lot B3

**Zoning Districts:** The property is located in the Residential Rural (RR) and Residential Low Density (RL) Districts (split lot).

**Development Type:** Change of Use - Redevelopment

**Lot Area:** 10,890 sf

**Project Size**: 1st Floor = 3.570.25 sf, 2nd Floor = 2,174.25 sf

Increase of 13 new parking spaces for a total of 28.

**Project Description:** The Harwich Fire Association is proposing to convert an existing former fire house into a multi-use property with a museum/educational use on the first floor and 3 apartments on the second floor.

**Applicable Laws & Regulations:** The Applicant has applied for TWO Use Special Permits pursuant to the Code of the Town of Harwich Sections 325-51, Table of Uses – Public and Quasi Public Uses – Par.6, Table of Uses – Residential Uses – Par. 8 and a Site Plan Review Special Permit pursuant to Section 325-55 of the Harwich Zoning Bylaws.

**Project Review Process:** On 7/11/23 the Applicant submitted the Special Permit application. The public hearing notice was advertised in the Cape Cod Chronicle on August 3 and August 10, 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.

**Application Documents Include:**

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

**Hearing Date**: The Special Permit public hearing is scheduled for 8/22/23.

**Application/Site Details**

1. The subject property has an existing building that was a former fire house. The Applicant plans on using the first floor to create a historical/educational fire museum to educate the public regarding the Harwich Fire Department and the fighting and prevention of fires. The plans for the second floor include the construction of three apartments to provide housing for service personnel.
2. The Applicant has applied for TWO use Special Permits pursuant to the Code of the Town of Harwich Sections 325-51, Table of Uses – Public and Quasi Public Uses – Par.6, Table of Uses – Residential Uses – Par. 8 and a Site Plan Review Special Permit pursuant to Section 325-55.
3. The Parking and Trailhead design shows an increase in parking from 7 to 28 spaces in order to accommodate both apartment residents and the public use of the museum space.

**Staff Comments:**

1. The Board will need to vote on the waiver request to forego the requirement for submission of a storm water management plan.
2. The Board has received no comments from abutters.
3. The Applicant must meet the requirements for all Special Permits in accordance with section 325-51 Special Permits. This section of the Bylaw requires the Planning Board to make a series of findings listed below:

Section 325-51 Special Permits.

“[**A.**](https://ecode360.com/12263349#12263349)Conditions of approval.

 [**(1)**](https://ecode360.com/12263350#12263350)The Board of Appeals or Planning Board shall not approve any application for a special permit, except a special permit for a site plan, unless it finds that in its judgment all of the following conditions are met:

[**(a)**](https://ecode360.com/12263351#12263351)The use as developed will not adversely affect the neighborhood.

[**(b)**](https://ecode360.com/12263352#12263352)The specific site is an appropriate location for such a use, structure or condition.

[**(c)**](https://ecode360.com/12263353#12263353)There will be no nuisance or serious hazard to vehicles or pedestrians.

[**(d)**](https://ecode360.com/12263354#12263354)Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayment”.

1. The Applicant must meet conditions for the granting of a **Site Plan Special Permit**:

If the site plan meets the requirements of this bylaw and the Planning Board Rules and Regulations governing Site Plan Review, the Planning Board shall approve it. Notwithstanding the foregoing, such approval may include reasonable conditions that:

1. Reasonable measures are implemented to provide screening for parking areas or other parts of the premises or from the street, by walls, fences, plantings or other devices.
2. The convenience and safety of vehicular and pedestrian traffic are enhanced.
3. Surface water from parking areas and driveways will be efficiently and safely disposed of by means of a proper drainage system as specified in the Board’s approval.

 **Draft Conditions of approval**

1. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address.
2. This Special Permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
3. The proposed use(s) shall operate in conformance with the submitted site plan and application statements referenced in this Decision.
4. The Special Permit will run with the land, conditions of approval shall be binding on all future owners.

I recommend that the Board take testimony at the public hearing and then discuss whether the application complies with the Special Permit requirements in section 325-51 and Site Plan Special Permit in section 325-55 as listed above.

If the Board has received testimony from everyone who wants to speak on the matter, the Board should vote to close the public hearing. After the hearing is closed, the Board can deliberate and vote **or** postpone deliberations until the 9/12/23 meeting.

Suggested Motions:

1. **Move to adopt the findings of fact as detailed below:**
2. The owner of the property is the Harwich Fire Association, Inc. and its representative is Attorney William Crowell
3. The location is 203 Bank Street, Harwich, MA, Assessor’s Map 25, Lot B3, located in the Residential Rural (RR) and Residential Low Density (RL) Districts (split lot) with 10, 890 square feet.
4. The Harwich Fire Association is proposing to convert an existing former fire house into a multi-use property with a museum/educational use on the first floor and 3 apartments on the second floor. There will be an increase of 13 new parking spaces for a total of 28.
5. The Applicant has applied for TWO use Special Permits pursuant to the Code of the Town of Harwich Sections 325-51, Table of Uses – Public and Quasi Public Uses – Par.6, Table of Uses – Residential Uses – Par. 8 and a Site Plan Review Special Permit pursuant to Section 325-55.
6. On 7/11/23 the Applicant submitted the Special Permit application. The public hearing notice was advertised in the Cape Cod Chronicle on August 3 and August 10, 2023.

**Application Documents Include:**

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10. Request for waiver of drainage/stormwater plans;
11. Abutters Application;
12. Filing Fee
13. **Move to grant waivers as follow:**

A Waiver from the strict interpretation of the requirements for a Stormwater Permit and submission of Drainage calculations.

**(C) Move to grant TWO Special Permits according to Section 325-51**

to allow for 1) a change of use to an educational/museum use for the first floor and 2) a multi-family use for the second floor, the Board having found that:

[**(a)**](https://ecode360.com/12263351#12263351)The use(s) as developed will not adversely affect the neighborhood.

[**(b)**](https://ecode360.com/12263352#12263352)The specific site is an appropriate location for such use(s), structure or conditions.

[**(c)**](https://ecode360.com/12263353#12263353)There will be no nuisance or serious hazard to vehicles or pedestrians.

[**(d)**](https://ecode360.com/12263354#12263354)Adequate and appropriate facilities will be provided for the proper operation of the proposed use(s). This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or saltwater embayment’s.”

**(D) Move to grant a Site Plan Special Permit according to Section 325-55**

In addition to any special permit or variance required under the Table of Use Regulations, the following development activities shall require a site plan special permit from the Planning Board: [Amended 5-4-2010 STM by Art. 9]

* Expansion or reconfiguration of an existing parking lot and/or driveway(s) in connection with a commercial, industrial, multifamily, educational or municipal use, or personal wireless service facility.
* Establishment of any new commercial, industrial, multifamily, educational, municipal, fast-food/takeout restaurant or personal wireless service facility.

**Move to grant a Site Plan Special Permit according to Section 325-55,** the Board having found that the site plan meets the requirements of this bylaw and the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended.