

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION
SUBDIVISION FORM B-1



TO THE TOWN CLERK, HARWICH, MA

DATE July 18, 2023

PART A – APPLICANT INFORMATION/AUTHORIZATION

<u>Applicant Name(s)</u>	Susan D. Peterson
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Thomas M. Stello, PLS TS Land Surveying, Inc.
Street/PO Box	P.O. Box 303
Town, ST, Zip	Harwich Port, MA 02646
Phone	508-737-8635
Fax	
E-mail	office@tslandsurveying.com

The applicant is one of the following: (please check appropriate box)

- Owner
 Tenant*
 Prospective Buyer*
 Representative for Owner/Tenant/Buyer
 Other* _____ **Written permission of the owner(s).*

All other forms and information as required in the Harwich Code §400 shall be submitted as part of this application including municipal lien certificate(s), available through the Tax Collector's Office.

Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Susan D. Peters
Applicant

Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
Case #	

PART B – PROJECT LOCATION

Street Address	#21 & #29 Oliver Snow Road		
Village	Harwich Port	Zip Code	02646
Map	24	Parcel	E2 and E2-1
Zoning District(s)	R-R		
Frontage (linear feet)	354.33' of frontage on Oliver Snow Road		
Total land area (SF)	131,733		
Upland (SF)	130,233	Wetlands (SF)	1,500
Number of lots and/or parcels	Existing: 2	Proposed:	2

The owner's title to said land is derived under deed from _____, dated _____, and recorded in the Barnstable Registry of Deeds Book and Page _____ or registered in Barnstable County Land Court Certificate of Title No. 233,267 and 140,345.

PART C – PROJECT DESCRIPTION

Number of lots and/or parcels	Existing: 2	Proposed: 2
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The undersigned owners of all land described herein submitted in the accompanying plan entitled Division Plan to be filed in Land Court and dated revised July 10, 2023, request a determination and endorsement by said Board that approval by it under the **Subdivision Control Law MGL Ch. 41 Sec. 81K-GG**: (check as appropriate)

is required (complete Part C.1 Subdivision) or is NOT required (complete Part C.2 ANR)

PART C.1 – Planning Board Approval is Required - Subdivision

- The accompanying plan is a (check one):
 - Preliminary plan
 - Definitive without a preliminary plan
 - Definitive following a Preliminary plan filed on _____/case # PB _____
 - Modification of a Definitive plan approved on _____/case # PB _____
 - Rescission of a Definitive plan approved on _____/case # PB _____
- The applicant is also requesting a **Special Permit** to accompany the proposed plan for the following (check all that apply):
 - USE - Does not require Site Plan Review
 - ___ Open Space Residential Development
 - ___ Flexible Cluster Development/Six Ponds Special District
 - ___ Accessory Apartment
 - ___ Two-Family Dwellings
 - ___ Other _____
 - OVERLAY DISTRICT
 - ___ Water Resource Protection
 - ___ Harwich Center
 - ___ Six Ponds
 - ___ Village Commercial (Harwich Port)

**Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District Commission. Please inquire with the Building Department for forms and instructions.*

PART C.2 – Planning Board Approval is Not Required - ANR

The accompanying plan does not require approval by the Planning Board because:

1. The lots are created on an approved way, with proper frontage and are served by safe and adequate access as follows:
- a. Every lot shown on the plan has frontage of at least such distance as is presently required by the Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires 150 feet for erection of a building on such lot, **and**;
 - b. The lots shown on such plan front on one of the three types of ways specified in Chapter 41, Section 81L, MGL, **and**;
 - a public way or a way that the Harwich Town Clerk certifies is maintained and used as a public way namely Oliver Snow Rd Taking Dd Bk 1431, Pg 896, or
 - a way shown on a plan previously approved and endorsed in accordance with the subdivision control law namely _____ on _____ and subject to the following conditions _____; or
 - a private way in existence on March 25, 1949, the date when the subdivision control law became effective in the Town of Harwich, and
 - c. The public or private way named above has, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the land abutting or served thereby, and for the installation of municipal service to serve such land and the buildings existing thereon to be erected.
- PROOF OF SAFE AND ADEQUATE ACCESS** – Please attach all necessary documentation to this application for:
- Determination of Safe and Adequate Access for existing conditions
 - Satisfaction of Safe and Adequate Access for proposed conditions
2. The accompanying plan is not a subdivision because the plan does not show a division of land.
3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by Zoning Code of the Town of Harwich under Article VI: §325-15 and §325-16, Table 2 which requires _____ feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the property prior to March 25, 1949 the date when the subdivision control law went into effect in the Town of Harwich and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:
5. Other reasons or comments: (See MGL, Ch41, §81-L)

PB 2023-26



Professional Land Surveying, Mapping & Title 5 Design
www.tslandsurveying.com

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Harwich Port, MA 02646
office@tslandsurveying.com
tel. 508.737.8635

July 18, 2023

Harwich Planning Board
Town Office Building
732 Main Street
Harwich, MA 02645
(508) 430-7511 ext. 4

RECEIVED

JUL 18 2023

BUILDING DEPT

RE: **Approval Not Required (ANR) Filing Package
#21 and #29 Oliver Snow Road - Harwich Port
Assessors Map 24, Parcels E2, E2-1 and E2-7**

Dear members of the Planning Board,

In accordance with Chapter 41, Section 81P of the Mass. General Laws and the Town of Harwich regulations, enclosed please find the following items for the Approval Not Required (ANR) filing at the above referenced locations:

- Two (2) completed applications - **Form B-1** for the **Registered** (Land Court) lots;
- Two (2) completed applications - **Form B-1** for the **Un-Registered** parcels;
- Two (2) copies of the **Municipal Lien Certificates**;
- **Check** made payable to the **Town of Harwich** in the amount of **\$630** for ANR Form B-1 application fee for up to 3 lots or parcels (\$525) plus \$105 for each lot or parcel thereafter;
- Six (6) full size prints of the **Division Plan** to be filed with the **Land Court** with revision date July 10, 2023.
- Six (6) full size prints of the **Division Plan** dated July 10, 2023 to be recorded at the **Barnstable County Registry of Deeds**;
- Two (2) copies of **Division Plan** at **1" = 100' scale**;
- 1 mylar print of **Division Plan** to be submitted to the **Land Court**;
- 1 mylar print of **Division Plan** to be recorded at the **Barnstable County Registry of Deeds**; and
- Copy of letter to Town Clerk.

As required by Chapter 41, Section 81T of the Mass. General Laws, written notice of this submittal has been hand delivered to the Town Clerk.

The name and address of the owner/applicant is:

Susan D. Peterson, Trustee of the Bring 'Em Young Realty Trust
P.O. Box 162
Harwich Port, MA 02646

#21 Oliver Snow Road

#29 Oliver Snow Road

Registered Lot

Registered Lot

Land Court Plan 39276-A
Lot 4
Certificate No. 233,267
Assessor's Parcel ID 24-E2-0
Assessors' Map 24, Parcel E2

Land Court Plan 39276-B
Lot 7
Certificate No. 140,345
Assessor's Parcel ID 24-E2-1-0
Assessor's Map 24, Parcel E2-1

Un-Registered Parcel

Plan Book 393, Page 43
Parcel C
Deed Book 35858, Page 222
Assessor's Parcel ID 24-E2-0
Assessors' Map 24, Parcel E2-7

The following is the narrative for the project:

The subject lots and parcel are located at #21 and #29 Oliver Snow Road and are owned by Susan D. Peterson, Trustee of the Bring 'Em Young Realty Trust.

#21 Oliver Snow Road contains two single family dwellings and a cottage and consists of a lot registered with the Land Court and an un-registered parcel.

#29 is a vacant lot registered with the Land Court.

Oliver Snow Road is a public way by "Order of taking on the layout of Oliver Snow Road, Harwich Port, by the selectmen of Harwich as a Town Way" at the March 5, 1969 town meeting, recorded at the Barnstable County Registry of Deeds as Deed Book 1431, Page 896.

The subject lots are located in zoning district R-R (Residential Rural). The minimum lot area required for zoning district R-R is 40,000 S.F. and the minimum frontage required is 150 Ft.

The purpose of the Division Plans are to reconfigure the registered and un-registered lot lines to create a new vacant lot for building purposes with the existing buildings to remain on one lot. The un-registered parcel located at the rear of the property is proposed to be divided into two parcels containing insufficient area and frontage to comply with zoning regulations, but they are to be held in common ownership with the adjoining registered lots as noted on the Division Plan.

Both proposed registered lots are in zoning compliance for area and frontage and when held in common ownership with the un-registered parcels, the shape number requirement will be in compliance.

Please note that since the subject property contains both registered and un-registered land, two plans are needed for endorsement by the Planning Board. One plan has been prepared with notes and details suitable for filing with the Land Court and the other plan prepared suitable for recording at the Barnstable County Registry of Deeds.

The plan for the Land Court has a revision date as it has previously been submitted to the Land Court Survey Division for pre-file review and required the noted revisions.

Should you have any questions or comments or need any additional information, please do not hesitate to contact me.

Sincerely,

Thomas M. Stello

Thomas M. Stello, PLS, RS
President, TS Land Surveying, Inc.

cc: Susan Peterson
Shelagh Delaney, Town of Harwich Planning Assistant