***Memorandum***

**From**: Shelagh Delaney Planning & Community Development

**To**: Planning Board

**RE**: Case PB 2023-31 – Eastward Companies – Modification of a Definitive Subdivision

 Previously Modified as PB2023-06

**Date**: October 19, 2023

**Applicant**: Eastward MBT LLC. Trustee, Eastward Homes business Trust

**Land Owner:** Eastward Companies

**Applicant’s Representative**: Susan Ladue

**Land Owners Address:** 155 Crowell Road, Chatham, MA 02633

**Location:** Dorset Drive

**Assessor’s Map:** 98, Parcel B1-1

**Zoning District:** Residential Rural (RR), Drinking Water Recharge Protective District (DWRPD)

**Development Type:** Definitive Subdivision (Modification)

**Lot Area:** 45,192 sf.

**Project Description:** Applicants are looking for a modification to an approved subdivision plan (Case # PB2007-24) to relocate Drainage Easement 2 which is located on Lot 1A (2 Dorset Drive) shifting it approximately 70 – 75’ to the west along the lot frontage. This will allow for a better placement of a future dwelling and driveway, further from Orleans Road and closer to the cul-de-sac.

**Applicable Laws & Regulations:** The application for the Modification of a Definitive Subdivision is pursuant to MGL Ch 41 Sec. 81U, and the Harwich Subdivision of Land Regulations.

**Application Documents:** The Applicant has submitted the following documents as part of their application.

* Form B-1 Application and Narrative;
* Agreement and Covenant between Harwich Planning Board and the Applicant dated 5/13/23, Barnstable County Registry of Deeds Bk 35840, Pg 151 dated 6/14/23;
* Modification of Subdivision Plan by Clark Engineering, LLC and Outermost Land Survey, Inc. dated 3/6/23, revised 4/6/23 with drainage revision added 8/2/23, pages 1 and 3;
* Abutter Request Form;
* Municipal Lien Certificate;
* Filing Fee

**Project Review Process:** On 9/26/23 the Applicants’ representative submitted the application for a Modification of a Definitive Subdivision. The public hearing notice was advertised on the Town website and in the Cape Cod Chronicle on October 5, 2023 and October 12, 2023. Notices regarding the application package were sent to the following Departments inviting them to comment on the project. The application was sent to the Health, Water, Fire, Conservation, Public Works, and Police Departments.

**Hearing Date**: The Modification of a Definitive Subdivision public hearing is scheduled for 10/24/23.

**Staff Comments:**

The Applicant is seeking a Modification of a Definitive Subdivision in accordance with the requirements of the Subdivision of Land and Site Plan Special Permit.

**Waivers**

The Applicant has requested the following Waiver from the requirements of the Subdivision of Land and Site Plan Special Permits.

1. Plan scale at 1”= 80’ instead of the required 1”- 40’.

This is to allow the plan to fit on one sheet.

The Planning Board should discuss the merits of the waiver requests and must vote on it individually.

On October 17, 2023 the Board received an email response to an abutter (Mr. Willaim Washburn of Williamsburg Av) from Susan Ladue, Eastward Companies that explained in detail the extent of the modification and answered specific questions that he had.

I recommend the Board take any additional testimony from interested parties and vote to close the public hearing. Since the project complies with the requirements of the Subdivision Rules & Regulations, I recommend that the Board vote to approve the modification request.

**Recommended Findings**

1. The Applicant, Eastward MBT LLC, Trustee of the Eastward Homes Business Trust is the property owner.
2. The subject property address is Lot 1A, 2 Dorset Drive Harwich, MA (Map 98 Parcel B1-1) and is approximately 45,192 sf located within the RR and DWRPD Zone II Zoning Districts.
3. The Applicant received a Definitive Subdivision approval from the Harwich Planning Board in 2007 (PB2007-24)
4. The Applicant received approval from the Planning Board for a Modification of that Definitive Subdivision in April of 2023. (PB2023-06).
5. The application was submitted on 9/26/23 to the Planning Board seeking an additional Modification in order to relocate Drainage Easement 2 70-75’.
6. The application is pursuant to Section 325-55 of the Harwich Zoning Bylaw.
7. Subject to the conditions of approval stated herein, the application and site plan, as modified, conforms to the requirements of the Harwich Rules on Subdivision of Land Regulations and MGL Ch 41 Sec. 81U.
8. The Planning Board held a public hearing on the application October 24, 2023.
9. All previous findings except as they may be altered or adjusted herein.

**Recommended Motions**

* Close the public hearing;
* Adopt the recommended Findings and Conditions; and
* Grant the Modification of the Definitive Subdivision Plan granted as PB2007-24 and Modified as PB 2023-06 to relocate Drainage Easement 2 on Lot 1A, 2 Dorset Drive, Harwich. MA 02645.

**Recommended Conditions of Approval**

1. The proposed Modification shall be in accordance with the site plan referenced in the application materials above.
2. This decision shall run with the property.
3. This decision shall not be effective until it is recorded with the Barnstable Registry of Deeds.
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 Code of the Town of Harwich.