

TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Mary Maslowski, Ann Clark Tucker,

Emily Brutti, Harry Munns and Allan Peterson

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Certificate of Action

Site Plan Special Permit Approval

 April 4, 2024

The Family Pantry of Cape Cod, Corp.

Christine Menard, Executive Director

133 Queen Anne Road

Harwich, MA 02645

Dear Ms. Menard,

Please be advised that at a duly advertised, posted and noticed public hearing opened on March 26, 2024, the Harwich Planning Board (the ‘Board’) **voted unanimously to approve** with conditions a Site Plan Review Special Permit in accordance with the Harwich Zoning Bylaw Section 325-55 (C) (2) in order to create 44 new engineered parking spaces on a portion of leased Town-owned land behind 139 Queen Anne Road.

**Case No.:** PB2024-08

**Applicants**: The Family Pantry of Cape Cod, Corp.

**Agent:** Christine Menard, Executive Director

**Location:** 28,340 sf of leased land behind 139 Queen Anne Rd.;Maps57 and 58 ParcelM1-1

**Owners:** Town of Harwich **BOOK 650 PAGE 568**

**Zoning District:** Industrial Limited (IL)

**Decision Date:** March 26, 2024

**SUMMARY OF PROCEEDINGS:**

The public hearing in this matter was opened on Tuesday, March 26, 2024 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 March 7, 2024 and March 14, 2024. The plans were distributed to the Health Department, Conservation Department, Highway Department, Police, Fire and Water Departments for comments. Any comments received were distributed back to the Applicants’ agent.

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

The Applicant presented the case to the Planning Board. The Board reviewed the materials. Ms. Flynn, the Town Planner shared portions of her staff report along with a Power Point presentation and the Engineer’s report. Both she and the engineer recommended that the Board grant the Site Plan Review Special Permit. 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 325-55 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 and Narrative;
* Request for Site Plan Review Waivers dated March 19, 2024;
* License Agreement between the Family Pantry and the Town of Harwich;
* Proposed Site Plan of Land – Final Draft as prepared for Family Pantry of Cape Cod by J. M. O’Reilly & Associates, Inc., dated January 12, 2024;
* Abutter Application;
* Stormwater Management Report – Operation & Maintenance by John M. O’Reilly, P.E., P.L.S. of J.M. O’Reilly & Associates, Inc. revised report dated March 11, 2024;
* Application Fee;
* Planning Staff Review Memo dated 3/20/24.

**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 property is owned by the Town of Harwich. The Applicant is the licensee.

2. The subject property is a 28,340 sf portion of Town owned land, south of 139 Queen Anne Road, east of the Family Pantry garden and west of the Town of Harwich Disposal Area as shown in Assessor’s Maps 57 and 58 as Parcel M1-1 and is located within the Industrial Limited Zoning District.

3. The Applicant proposes to create an engineered parking lot for approximately 44 spaces.

4. The Applicant applied to the Planning Board for a Site Plan Review Special Permit pursuant to Section 325-55 C(2) of the Harwich Zoning Bylaw.

5. The Applicant requested three Site Plan Review Waivers.

6. The application was filed with the Town on 1/16/24 with revisions received 3/19/24

7. The Planning Board held a public hearing on the application March 26, 2024.

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 modify the Site Plan to show dark sky-compliant lighting on 15’ poles.
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