



PB 2024-10

March 7, 2024

Emily Mitchell
Town of Harwich
Harwich Town Clerk

Re. 144 Church St. & 7 Sparrowhawk Rd.

Harwich Town Clerk,

Enclosed are two completed Approval Not Required applications, two copies of the Municipal lien certificates, one original mylar, six full size copies of the ANR Plan, 2 reduced copies and the required filing fee

Thank you for your consideration.
Please don't hesitate to contact us with any questions at 508-255-0477.

Thank you.

Sincerely,

Dawn Sternlieb
Office Manager

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TOWN OF HARWICH PLANNING DEPARTMENT



PLANNING BOARD APPLICATION
SUBDIVISION FORM B-1

TO THE TOWN CLERK, HARWICH, MA DATE _____

PART A – APPLICANT INFORMATION/AUTHORIZATION

| | |
|---|---|
| <u>Applicant Name(s)</u> | Donald Poole |
| Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?) | Donald T. Poole Outermost Land Survey, Inc. |
| Street/PO Box | 46 Main Street |
| Town, ST, Zip | Brewster, MA 02631 |
| Phone | 508-255-0477 |
| Fax | |
| E-mail | dpoole@outermostlandsurvey.com |

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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.

Applicant _____ see attached letter

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 | 144 Church Street | | |
| Village | Harwich | Zip Code | 02645 |
| Map | 88-71-11 | Parcel | |
| Zoning District(s) | RR | | |
| Frontage (linear feet) | 518.32 | | |
| Total land area (SF) | 52,263 | | |
| Upland (SF) | 11 | Wetlands (SF) | 0 |
| Number of lots and/or parcels | Existing: 1 | 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. _____.

PART C – PROJECT DESCRIPTION

| | | |
|-------------------------------|-------------|-------------|
| Number of lots and/or parcels | Existing: 1 | Proposed: 2 |
|-------------------------------|-------------|-------------|

The undersigned owners of all land described herein submitted in the accompanying plan entitled Plan of Land in Harwich, MA 144 Church St & 7 Sparrowhawk Rd prepared for Donald S. & Mary V Gould and Seth Edward Harry Gould and dated 1/29/2024

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 Required - Subdivision

- 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 _____

2. 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)

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**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 _____ 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 _____, 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 revise an interior lot line 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 150 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)

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