



Planning & Community Development
Christine Flynn, Director
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Staff Review

RE: Case PB2024-011

Application: Site Plan Review Special Permit

Date: March 29, 2024

Hearing Date: April 23, 2024

Applicant Agent: Benjamin E. Zender

Land Owner(s): David M. Crosbie, Trustee, Rowoliver Nom. Trust

Land Owners' Address:

Location: 481 Depot Street

Zoning District: Industrial Limited (IL) Zoning District and Residential Rural (RR) Zoning District, The lot is a split zone lot

Development Type: Pre-existing Non-Conforming Mixed-Use Project

Lot Area: 34,890 square feet (6,900 sq ft, IL District, 27,990 sq ft, RR District)

Project Description:

The Applicant seeks a Site Plan Review Special Permit for a mixed use, multi-family and a new commercial self-storage unit pursuant to the Harwich Zoning Bylaw Sections 325-55 Site Plan Review. The property is located at 481 Depot Street, Map 36, Parcel B1 in the Industrial Limited (IL) and Residential Rural (RR) Zoning Districts.

The proposed project consists of the demolition of an existing barn, a conversion of an existing pre-existing no-conforming two-family home into a multi-family 4-unit apartment building with a total of seven bedrooms:

- one studio apartment, (a studio is counted as a (1) Bedroom per Board of Health)
- one (1) bedroom apartment
- one (2) bedroom apartment
- one (3) bedroom apartment

There will be no increase in footprint or square footage to convert the Two-family home to a Multi-family Apartment Building.

The proposed project includes one story steel self-storage unit that is 155" in length X 30" in width and 12" in height. The total square footage is approximately 4,650 square feet. The building is to be placed on a concrete slab with a total of 61 storage units. The following are the units broken out by size:

- 12 units: 5" length X 5" width
- 9 units: 5" length X 10" width
- 22 units: 10" length X 10" width
- 18 units: 10" length X 5" width

It is anticipated that there will be one employee and the hours of operation are Monday to Friday 9:00 am – 5:00 pm.

Applicable Laws & Regulations for Site Plan Review Special Permit:

MGL Chapter 40A Section 9 and Harwich Zoning Section 325-55 Site Plan Review, and Harwich Code Subdivision of Land and Site Plan Special Permits Section 400 (16 – 19).

Project Review Process:

On 3/29/24 the Applicant materials for a Site Plan Review Special Permit but not the Stormwater Management Report until April 10, 2024. The applicant seeks a Site Plan Review to develop a mixed use, multi-family and a new commercial self-storage unit pursuant to the Harwich Zoning Bylaw Sections 325-55. The public hearing notice was advertised in the Cape Cod Chronicle on April 4, 2024 and April 11, 2024.

Comments from other Town Departments or Boards:

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. The Board of Health noted that the project would require a new Septic System. There were no other comments. Duly advertised public hearing will be held on April 23, 2024.

Project History:

The project been before the Zoning Board of Appeals since September 2023. There have been several revisions, Zoning Boundary Clarifications, and Use Variance requirements.



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It has been noted that even though Mixed-Use and Mutli-family Uses are granted via a Special Permit from the Planning Board. The Multi-Family Housing is not a permitted use in the Industrial Limited Zone and the Commercial Self Storage is not permitted in the Residential Rural Zone. Counsel provided input that if the Zoning Board of Appeals issues a use variance for uses not currently permitted by right or special permit then the Planning Board is not allowed to issue a Special Permit where the use is not permitted by right or special permit.

Application and Hearing Documents Include:

1. Form A and Narrative (via email and hard copy)
2. Project Narrative: Planning Board Site Plan Review Application and Zoning Board of Appeals, Special Permits and/or Variances Application prepared by Benjamin E. Zehnder dated April 10, 2024
3. Proposed Site Plan of Land – Rowoliiver Nom. Trust, David Crosbie, 481 Depot Street, Harwich, MA by J.M. O’Reilly & Associates, Inc. Professional Engineering & Land Surveying Services - STAMPED John M. O’Reilly, Engineer #36209, Land Surveyor # 46733
4. Stormwater Management Report by J.M. O’Reilly & Associates, Inc STAMPED John M. O’Reilly, Civil #36200 dated April 10, 2024
5. Abutter Application.
6. Application Fee.

General Site Plan Review Criteria:

1. Site Plan
2. Zoning Requirements
3. Building Placement
4. Road Access and Egress
 - a. The proposed property currently has two access points off of Depot Road

- i. The project proposes keep one driveway for the multi-family house and proposed to move one access point further north and widen the curb cut to 50 feet.
5. Parking Layout:
 - a. Parking Spaces:
 - i. 8 Parking Spots are provided for the Residential use which meets the requirements in Harwich Zoning Code 325-39 (A)
 - ii. 1 Parking Spot for the Employee and its unclear Self Storage not listed but warehouse requires one parking spot per 1,000 Square Feet Commercial
 - b. Handicap Access
 - c. Dumpster
- 6. Stormwater Management and Drainage still under review by VHB Engineering**
7. Traffic: Self-Storage Units are generally not considered a high traffic generator
8. Septic System: Applicant will install a new 7 bedroom unit Septic System
9. Landscaping Plan & Screening
 - a. The site plan includes plants of Abervite to provide screening along the South Side of the property as required Harwich Zoning 325-18 (I)
 - b. The Self-Storage Building will have a Chain Linked Fence the building with access via a key code.
10. Lighting Plan
 - a. Lighting will be fully shielded downward facing fixtures are required by Harwich Code

Recommended Motions

- Continue Public Hearing until the Stormwater Management Plan review has been completed by VHB in addition to after the Zoning Board of Appeals renders a decision.