

**Harwich Planning Department**

Planning & Community Development  
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**To:** Harwich Planning Board  
**From:** Christine Flynn, Planning & Community Development Director  
**Date:** January 4, 2024  
**RE:** Five Waiver Requests from Site Plan Review – Town of Harwich  
Wastewater Pump Stations: PB2024-02, PB2024-03, PB2024-04, PB2024-05, and PB2024-06

Pursuant to Harwich Zoning 325-55 section (F): Site Plan Review Waivers and after reviewing the Wastewater Pump Station Applications for the Town of Harwich, staff recommends that the Planning Board grant all five (5) waivers from Site Plan Review based on the following reasons:

1. Phase III: Wastewater Pump Stations are essential infrastructure projects servicing the Town of Harwich.
2. Phase III: Wastewater Pump Station projects have been supported by the Town and have been publicly vetted at multiple stages of Comprehensive Wastewater Management Planning, capital infrastructure planning, Annual Town Meeting, as well as other regulatory review processes including recent approval from the Harwich Zoning Board of Appeals.
3. Town Administration and Wastewater Department have done extensive outreach to abutters and neighbors to help address and mitigate potential impacts to the surrounding neighborhood. The town has provided additional landscaping and screening to minimize any noise and visual impacts to the surrounding neighborhoods.

Pursuant to Harwich Zoning 325-55 section (F), an affirmative vote is required by no fewer than four (4) members of the Planning Board.



**§ 325-55. Site plan approval.**

- A. Purpose. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Harwich by providing detailed review of the design and layout of certain developments which have a substantial impact upon the character of the Town and upon traffic, utilities and services therein.
- B. Powers. The Planning Board is hereby designated the special permit granting authority for site plan approval regarding activities which are set forth in Subsection C.
- C. Applicability. In addition to any special permit or variance required under the Table of Use Regulations, the following development activities shall require a site plan special permit from the Planning Board: **[Amended 5-4-2010 STM by Art. 9]**
- (1) Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: a commercial, industrial, multifamily, educational or municipal use, or personal wireless service facility; or the creation of a drive-up or drive-through window.
  - (2) Expansion or reconfiguration of an existing parking lot and/or driveway(s) in connection with a commercial, industrial, multifamily, educational or municipal use, or personal wireless service facility.
  - (3) Establishment of any new commercial, industrial, multifamily, educational, municipal, fast-food/takeout restaurant or personal wireless service facility.
  - (4) Establishment of any new retail use(s) in the Industrial (IL) Zone.
- D. Required submission. The submission of an application and plans for site plan approval shall conform to the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended.<sup>1</sup> The Planning Board shall consider all applications at a public hearing according to the procedure set forth in MGL c. 40A.
- E. Conditions of approval.
- (1) If the site plan meets the requirements of this bylaw and the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended, the Planning Board shall approve it. Notwithstanding the foregoing, such approval may include reasonable conditions to ensure that:
    - (a) Reasonable measures are implemented to provide for screening of parking areas or other parts of the premises, for adjoining premises or from the street, by walls, fences, plantings or other devices.
    - (b) The convenience and safety of vehicular and pedestrian traffic are enhanced.

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1. Editor's Note: See Ch. 400, Subdivision of Land and Site Plan Special Permits.

- (c) Surface water from parking areas and driveways will be efficiently and safely disposed of by means of a proper drainage system as specified in the Board's approval.
  - (2) However, the Board cannot deny approval of a site plan for a use which is allowed by right (not by special permit) in the district but may impose reasonable conditions on the proposed use. The Board may not impose conditions on the grant of a special permit the implementation of which would be contrary to any requirement of this bylaw or require a variance from it or any other applicable provision of law.
- F. Waivers. When in the opinion of the Planning Board the requirements of Subsection C, Applicability, do not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a site plan for special permit approval is not required. Upon application consistent with the Planning Board Rules and Regulations Governing Site Plan Review, such a determination may be made by an affirmative vote of a majority of the Planning Board present, and in no event fewer than four members, in a manner consistent with the Planning Board Rules and Regulations Governing Site Plan Review.