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COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH PLANNING BOARD
DECISION- USE SPECIAL PERMIT

2022 APR -5 A 8:34

Case No.: PB2022-07

Owner/ Applicant: Hatch Family Realty Trust,

Title: Deed Book 29027 Page 252

Jane P. Hatch and Steven A. Hatch, Trustees

Property: 2 Eldridge Pond Road, Harwich 02645 (Assessors Map 71 Parcel C10)

Decision Date: March 28, 2022

Findings

1. The subject property is 2 Eldridge Pond Road, Harwich (Assessors Map 71 Parcel C10), which is located in the underlying RR (Rural Residential) zoning district and in the Six Ponds Special District "Zone A" zoning overlay. The property is within in a cluster/ open space residential development, with a lot size of approximately 20,304 sq ft.
2. Applicant/ owner is Jane P. Hatch and Steven A. Hatch, Trustees, Hatch Family Realty Trust
3. The approved cluster/ open space residential development pre-dates adoption of the Six Ponds Special District. Further, the property is currently developed (and was prior to adoption of the Six Ponds Special District) with a single family dwelling and related improvements.
4. The Applicant proposes to construct and maintain a swimming pool as accessory to the single family residential site use. The swimming pool requires a use special permit in the Six Ponds Special District pursuant to Harwich Zoning Bylaw (HZB) Section 325-94(A)(4) and accordingly, the Applicant has applied for the same.
5. The proposed development meets the applicable special permit criteria set out in HZB Section 325-51(A)(1):
 - a. The proposed use and development will not adversely affect the neighborhood and the property is an appropriate location for the proposed use. The swimming pool is consistent with all applicable dimensional and site development requirements in the RR and Six Ponds Special Districts and is compatible with the residential development on-site and surrounding the site.
6. The Applicant's application is dated and stamped February 15, 2022, includes the applicable and relevant submission materials required by the Board, and otherwise meets the applicable requirements of the HZB and other applicable provisions of the Harwich Code. Among other things, the application includes:
 - Stamped site plan, 2 Eldridge Pond Road, Harwich, Massachusetts prepared by East-SouthEast, LLC, Chatham, MA, dated January 25, 2022.
7. The Planning Board held and closed a duly-noticed public hearing on the request at its meeting on March 22, 2022.

RECORD OF VOTE/ DETERMINATION

Present, acting and voting on the matter March 22, 2022 were members Mr. D. Berry (Chair), Ms. M. Maslowski, Mr. C. Chadwick, Mr. D. Harris (participating remotely by telephone) and Mr. W. Stoltz (participating remotely by telephone).

Based on the aforementioned findings, in Case Number PB2022-07, Applicant Jane P. Hatch and Steven A. Hatch, Trustees, the Board voted unanimously (5-0-0) by roll call vote to grant a Use Special Permit for a swimming pool accessory to the primary single family residential use at 2 Eldridge Pond Road. Said grant and approval is subject to the following conditions.

Conditions of Approval

1. The project shall be undertaken consistent with the plans referenced in the application material set out above.
 - a. In particular, the Applicant shall remove and vegetate the driveway area as depicted on the site plan in order to comply with maximum site coverage limitations in the applicable zoning districts.
2. This Decision shall run with the property.
3. This Decision shall not be effective until it is recorded with the Barnstable County Registry of Deeds.
4. Prior to issuance of a certificate of inspection associated with the building permit for the pool by the Building Official, the Applicant shall provide to the building and planning departments an as-built plan of built and natural site conditions, including a zoning compliance table, which plan evidences compliance with this Decision as well as all applicable zoning requirements.

Copies of this Decision and all plans referred to in the Decision have been filed with the offices of the Planning Board and Town Clerk.

The Use Special Permit shall lapse at the end of two (2) years from the date of filing of this Decision in the office of the Town Clerk, which shall not include such time required to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, Section 17 from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Duncan Berry by
Duncan Berry, Chair Elaine Santa

Any appeal from this Use Special Permit Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days of the date of filing said Decision with the Town Clerk.

This Decision was filed with the Town Clerk on: APR 05 2022 (date).

James Muller
Town Clerk

This is to certify that twenty days have elapsed after this Decision was filed with the Town Clerk and

X no appeal has been filed.

_____ an appeal was filed on _____ (date).

James Muller
Town Clerk
Date April 26 2022

