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James J. Mulholland Jr.

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COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH PLANNING BOARD
DECISION- USE SPECIAL PERMIT & WAIVER OF SITE PLAN REVIEW

Owner: 195 Queen Anne Road LLC

Applicant: Charles River Laboratories, Inc.

Barnstable Registry: Certificate of Title No. 222354; Land Court Plan 42051-A

Property: 195 Queen Anne Road, Harwich, MA 02645 (Assessors Map 58 Parcel F1-2)

Case No.: PB2022-09

Decision Date: April 14, 2022

Findings

1. The subject property is 195 Queen Anne Road (Assessors Map 58 Parcel F1-2), which is located in the I-L (Industrial) zoning district.
2. Applicant Charles River Laboratories, Inc., is the potential lessee of Units 3, 4 & 5 in Building 2 on the subject property. Said Units 3, 4 & 5 consist of approximately 4,500 sq ft of floor area.
3. Record Property Owner 195 Queen Anne Road, LLC, George A. McLaughlin III, Manager and Real Estate Signatory, has signed and consented to the permit application referenced herein.
4. The subject property (approximately 1.97 acres) is improved with two industrial buildings and supporting site improvements and facilities. "Building 2" (the southerly or rear building on the site) is still under construction; and contains 5 units of approximately 1,500 sq ft floor area apiece.
5. Building 2 and its supporting site improvements and facilities are the subject of Case No. PB2020-24¹ in which the Planning Board granted site plan approval for warehouse/ construction industry use and the accompanying building construction and site improvements, and a use special permit for 20 or more new parking spaces on-site.
6. The Applicant proposes a use categorized as "Scientific Research or Development" under the Harwich Zoning Bylaw (HZB), Attachment 1, Use Regulations, which provides that such a use requires a special permit from the Planning Board in the subject I-L zoning district.
7. Specifically, the proposed use is the taking and processing of horseshoe crab blood on-site for end use in the manufacture of a product for medical and public health and safety testing. The site use does not involve end-product manufacturing. Live horseshoe crabs would be delivered to the site and after their blood is drawn they would be returned live to the same local waters from which they were taken. See project description in Applicant's narrative submitted and date-stamped March 15, 2022, and Applicant's Massachusetts DMF Permit dated April 7, 2022.
8. Because a new use is proposed, the proposed use also triggers site plan review requirements under HZB Section 325-55.

COT 222354
195 Queen Anne Rd., Harwich, MA 02645

¹ In its narrative, the Decision in Case No. PB2020-24, filed with the Land Court as Doc. No. 1,431, 499, incorrectly refers to a "9,000 sq ft/ 7 unit" building. However, the owner/ applicant in that case revised its plans through the special permit review process. The approved plans referenced in that Decision correctly reference and depict the approved project as a 5 unit, 7,480 sq ft building. If the building had been 7,500 sq ft or greater, then a special permit would have been required under HZB Section 325-9 (as was contemplated early in that project and referenced in the Case staff report, but later revised). The Decision does not reference or grant a special permit for a building 7,500 sq ft or greater, further evidence that the reference in the Decision to 9000 sq ft/ 7 units was incorrect and not the intent or grant of the Board.

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9. Accordingly, the Applicant has applied under HZB Section 325-51A. for a Scientific Research or Development use special permit, as well as for a Waiver of Site Plan Review under HZB Section 325-55F.
10. The proposed use and development meets the applicable special permit criteria set out in said Section 325-51A:
 - a. The proposed use and development will not adversely affect the neighborhood and the property is an appropriate location for the proposed use. The use is proposed in the I-L zoning district which is specifically intended for such uses that might be incompatible with residential uses. In general, R&D uses are desirable for their economic multiplier effect on the local economy; the specific use involves high-wage, knowledge- and skills-based industries, both the local fishing community as well as a Massachusetts-based technology company. The use also attracts off-Cape capital and retains it in the region.
 - b. There will be no nuisance or serious hazard to vehicles or pedestrians introduced by the proposed use. The site plan and its sufficiency has recently been review and approved by the Board in Case No. PB2020-24.
 - c. Adequate and appropriate site facilities are provided for the proper operation of the proposed use. The traffic, parking and loading requirements are not different or greater than previously considered and approved in the site plan special permit decision for Case No. PB2020-24. The existing permitted site septic system has sufficient capacity for the proposed use. The adequacy of stormwater and drainage facilities was confirmed in Case No. PB2020-24 and the Town's Stormwater Permit for the site.
11. The proposal meets the standard to grant a Waiver of Site Plan Review. As the Applicant does not propose any changes to the building exterior or any site changes, and no such changes are required for the use, the proposal does not substantially change the relationship of structures to the site or to abutting properties and structures. The only physical work associated with the proposed use is interior fit-out of the leased space. The use relies on successful completion and sign-off on the site improvements approved by Site Plan Special Permit in Case No. 2020-24.
12. The Applicant's application is dated and stamped 3/8/22, includes the applicable and relevant submission materials required by the Board, and otherwise meets the applicable requirements of the Harwich Code. Among other things, the application includes:
 - Narrative dated 3/15/22;
 - MA DMF Permit dated April 7, 2022
 - Approved site plan from Case No. PB2020-24, revised dated 2/19/2021;
 - Progress Print, Processing Facility Renovations, Floor Plan of consolidated Units 3, 4 & 5 for Charles River Microbial Solutions by L2P & NV5 Sheet A-110, dated February 14, 2022.
13. The Planning Board opened, held and closed a duly-noticed public hearing on the request at its meeting on 4/12/2022.

Conditions of Approval

1. The project shall be undertaken consistent with the plans referenced in the application material set out above.
2. The Decision shall run with the property.
3. The Decision shall not be effective until it is filed with the Barnstable Registry District.
4. Prior to occupancy and commencement of the use approved herein and to issuance of a Certificate of Use and Occupancy for the same by the Building Official, the Property Owner shall satisfy all Conditions of the Decision in Case No. PB2020-24, including without limitation the requirements set out in Harwich Code Section 400-18G. relating to a certificate of completion, inspection, and submission of an as-built site plan. Said as-built site plan shall include, among other things, the required stormwater facilities as approved under the Town's Stormwater Permit for the site issued by the Town Engineer.

RECORD OF VOTE/ DETERMINATION

Present, acting and voting on the matter April 12, 2022 were Board members Mr. D. Berry (Chair), Ms. A. Tucker, Mr. C. Chadwick, Mr. D. Harris (participating remotely) and Mr. W. Stoltz.

Based on the aforementioned findings, in Case Number PB2022-09, the Board voted unanimously (5-0-0) by roll call vote to grant a Scientific Research and Development- Use Special Permit and a Waiver of Site Plan Review for Charles River Laboratories, Inc., 195 Queen Anne Road, Building 2, Units 3,4 & 5, Harwich, subject to the following conditions.

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3. The Decision shall not be effective until it is filed with the Barnstable Registry District.
4. Prior to occupancy and commencement of the use approved herein, and prior to issuance of a Certificate of Use and Occupancy for the same by the Building Official, the Property Owner shall satisfy all Conditions of the Decision in Case No. PB2020-24, including without limitation the requirements set out in Harwich Code Section 400-18G. relating to a certification, inspection, and submission of an as-built site plan. Said as-built site plan shall include, among other things, the required stormwater facilities as approved under the Town's Stormwater Permit for the site issued by the Town Engineer.

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 *Jordan Adams*
Duncan Berry, Chair
Planning
Director

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 has been filed with the Town Clerk on: APR 22 2022

James J. Mully Jr.
Town Clerk

This is to certify that twenty days have elapsed after this Decision was filed in my office and

no appeal was filed.

an appeal was filed on _____ (date).

James J. Mully Jr.
Town Clerk
Date May 13 2022