

A TRUE COPY ATTEST:

Quinn M. Daccetto

TOWN CLERK OF
HARWICH, MASS.

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH PLANNING BOARD
SPECIAL PERMIT DECISION

Case No.: PB2021-15



Owner/ Applicant: MS Harwich LLC

Title: Deed Book 30973, Page 254

Property Address: 16 Sisson Road, Harwichport (Map 21 Parcel P1)

Decision Date: August 13, 2021

Findings

1. MS Harwich LLC is the record owner of the property at 16/18 Sisson Road, Harwich Port (Assessors Map 21 Parcel P1), which is improved with a Shaw's Supermarket and subsidiary uses like the Shaw's Pharmacy and a Starbuck's (collectively "Shaw's"). The property is in the CH-1 zoning district.
2. Shaw's has an existing freestanding sign at its main entrance on Sisson Road, as well as a number of existing wall signs.
3. MS Harwich LLC (Applicant) has applied, through its representative I.D. Sign Group, Inc., for a new, additional wall sign at Shaw's. The proposed sign advertises a contactless shopping program offered by Shaw's.
4. A Planning Board special permit is required and allowed under Section 325-27F of the Harwich Zoning Bylaw for the new sign because the total amount of sign area on the property exceeds that allowed 'by right' on the property, and the new sign will further increase the total amount of sign area.
5. Said Section 325-27F provides, in relevant part: "Signage in excess of 48 square feet and/or allocation of total allowed square footage over entry and nonentry facades, as referenced above in Subsections D and E(1), may also be allowed by special permit from the Planning Board."
6. The Applicant filed a special permit application with the Town on July 2, 2021 and includes, among other things:
 - A dimensioned, sign plan for the new proposed wall sign ("Drive Up & Go"), revised dated 6/22/21, prepared by I.D. Sign Group, Inc.
 - Narrative;
 - Plan/ photo (undated) of existing site signs and locations (wall and freestanding), with corresponding square footage calculations. The existing signs are labelled on the photo as "A" through "G" and "I," the proposed new sign is identified as "H."
7. The total amount of existing sign area on-site is ~132 sq. ft. The area of the proposed new sign is 18 sq. ft.
8. The amount of the existing sign area on-site exists by variance (See BOA decision in Case No. 03-24 recorded in Deed Book 17069 Page 294). After the Shaw's signage was originally permitted and installed per the aforementioned variance, the Harwich Zoning

By-law was amended to provide the current special permit process to approve commercial signage in excess of the amount allowed by right on a site.

9. The Planning Board held a public hearing on the request at its meeting on August 10, 2021.
10. As applicable to the sign request under the relevant standards appearing in Harwich Zoning Bylaw Section 325-51.A.1, the sign proposal is appropriate and consistent with respect to the existing development and uses on the site and on surrounding properties, and there is no anticipated adverse visual or community character impact or conflict associated with the proposed sign:
 - the new sign is proportioned to the building façade and its style is in keeping with the building architecture and existing signage;
 - the building is set back a significant distance from the street line;
 - there is a substantial landscape buffer that screens the property along the street line;
 - the sign will not be illuminated.
11. The benefit of the proposed sign is that it will assist and guide customers by advising them of a service and convenience offered by Shaw's, a contactless grocery shopping program, which is especially important in light of the lingering effects of COVID-19.

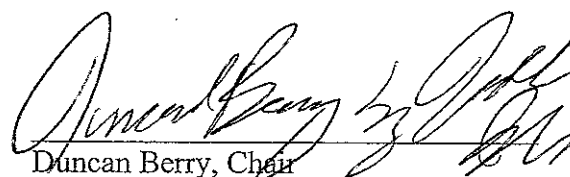
RECORD OF VOTE/ DETERMINATION

Present, acting and voting on the matter at its hearing session on August 10, 2021 were members Mr. Berry- Chair, Mr. Peterson, Mr. Chadwick, Mr. Harris, Ms. Maslowski, Mr. Stoltz and Mr. Rouse (associate member).

On a motion from Ms. Maslowski, seconded by Mr. Peterson, the Board voted unanimously (7-0-0) in case number PB2021-15 to grant the requested new, additional wall signage in excess of the total allowed square footage, based on the aforementioned findings, with said approval subject to the following conditions:

Conditions of Approval

1. The proposed sign shall be undertaken consistent with the plans referenced in the application material set out above.
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. Future proposals for any additional 'nonexempt' signs at the property will require modification to this Decision; however, replacement or substitution of signs approved previously or hereunder will not require a special permit or modification of this Decision and may proceed through the sign permitting process with the building department as set out in the relevant provisions of the Harwich Zoning Bylaw.


Duncan Berry, Chair

Town Planning Director

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.

This 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.

Any appeal from this Decision shall may 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: AUG 13 2021

Date 20-day period elapses: SEP 03 2021

Anita D. Duce
Town Clerk

This is to certify that twenty days have elapsed after this Decision was filed in my office and no appeal from said Decision was filed in my office.

an appeal from said Decision was filed in my office.

Date Appeal filed (as applicable): _____

Anita D. Duce
Town Clerk

Date: SEP 21 2021

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register