



A TRUE COPY, ATTEST:

James Miller

**TOWN CLERK OF
HARWICH, MASS**

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH PLANNING BOARD
SITE PLAN APPROVAL SPECIAL PERMIT DECISION**

Case No.: PB2022-03
Owner/ Applicant: Coachman Harwich Property Owner, LLC
Title: Deed Book 34536 Page 134
Property Address: 774 Route 28, Harwichport, MA 02646 (Map 24 Parcel T1)
Decision Date: February 28, 2022

Findings

1. The subject property is approximately 1.28 acres, and is located primarily within the CH1 Zoning District (the northwest portion of the property is located in the Rural Residential-RR Zoning District).
2. The current use of the property- a motel formerly operated as the "Coachman Motor Inn"- is a lawfully preexisting nonconforming zoning use. There exist 26 motel rooms, a manager's unit and a common dining facility. Certain site buildings and structures are also dimensionally preexisting nonconforming under zoning.
3. Portions of the site are located in the flood zone and the northwest portion of the site is within buffer areas subject to Massachusetts Wetlands Protection Act (Rivers Protection Act) jurisdiction.
4. The applicant proposes to re-use the property, including the site building, as seasonal housing for the affiliated Wychmere Beach Resort's staff and employees. 24 housing units (without individual cooking facilities), two offices, a manager's unit and a common dining facility are proposed in the existing building.
 - a. The applicant will re-use the existing site building, and parking and the site is proposed to be used largely, 'as-is,' with the exception that the existing swimming pool in the center of the property is proposed to be removed and a new subsurface leaching facility for an updated, Title 5 compliant septic system is proposed to be installed in the same general area.
 - b. The area above the new leaching facility is proposed to be loamed and seeded.
 - c. The new septic system is subject to review and approval by the Harwich Health Department/ Board of Health.
5. The applicant has applied to the Planning Board for site plan special permit approval pursuant to Sec. 325-55 of the Harwich Zoning Bylaw ("HZB") (Chapter 325 of the Harwich Code) and Chapter 400, Article III of the Harwich Code. A site plan approval special permit is required because a new use is proposed on-site.
6. The proposed seasonal housing use is essentially a dormitory use, which is not a use expressly permitted in the subject zoning districts but is defined under the zoning bylaw and included in its parking schedule. The use requires a use variance from Zoning Board of Appeals because it is not expressly permitted in the zoning bylaw's use schedule. In addition, because of the nonconforming uses and structures on-site, the proposal also requires a finding from the Zoning Board of Appeals. The Zoning Board of Appeals has granted such relief and approval in ZBA Case No. 2022-01.
7. Though the existing site buildings have 7,500 sq ft or greater gross floor area, the proposal does not require a use special permit under HZB Section 325-9 because the applicant does not propose new construction of 7,500 sq ft or greater gross floor area.
8. There are 39 existing parking spaces on-site, which are proposed to be re-used by the applicant. The parking is sufficient in number to meet the minimum parking space requirements of the

- zoning bylaw and the parking demand anticipated by the applicant. The parking is adequately screened from abutting properties by the site building.
9. The proposed use has no substantially different site circulation or traffic patterns than the existing use. The property has adequate access from and sight lines to Route 28.
 10. Removal of the existing swimming pool and its replacement with vegetated area significantly reduces impervious coverage on-site; the site drainage patterns will not be intensified or substantially altered and the existing drainage facilities are adequate to manage stormwater runoff on-site under proposed conditions.
 11. The site plan special permit application was filed with the Town on December 21, 2021 and includes the following plan entitled:
 - a. Wychmere Harbor Real Estate, LLC, Coachman Inn, 774 Route 28, Harwich, MA, Proposed Site Improvement Plan, Sheet C2.1.1, prepared by Coastal Engineering Co., Orleans, MA, revised dated January 12, 2022
 12. Subject to the conditions of approval stated herein, the application and site plan, as modified, conform to Sections 325-55 and 400-16 of the Harwich Code.
 13. The Planning Board held a public hearing on the matter, opened January 25, 2022 and closed February 22, 2022.

RECORD OF VOTE/ DETERMINATION

Acting and voting on the matter February 22, 2022 were members Mr. D. Berry (Chair), Ms. M. Maslowski (participating remotely), Mr. C. Chadwick, Mr. D. Harris (participating remotely) and Mr. W. Stoltz. Based on the aforementioned findings:

- 1) In Case Number PB2022-03, the Board voted unanimously (5-0-0) by roll call vote to grant a Site Plan Approval Special Permit to Coachman Harwich Property Owner, LLC for the property at 774 Route 28, Harwichport; and
- 2) Said grant and approval is subject to the following conditions.

Conditions of Approval

1. The proposed development shall be in accordance with the site plan referenced in the application materials above.
2. This decision shall run with the property.
3. This decision shall not be effective until it is recorded with the Barnstable Registry of Deeds.
4. Changes to the site not authorized under this decision may require further Planning Board review and modification to this decision.
5. The applicant shall satisfy the inspection, certification and as-built plan requirements outlined pursuant to §400-18.G of the Harwich Code.

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
 Duncan Berry, Chair
Heidi Pleve
 Asst. Planning Director

