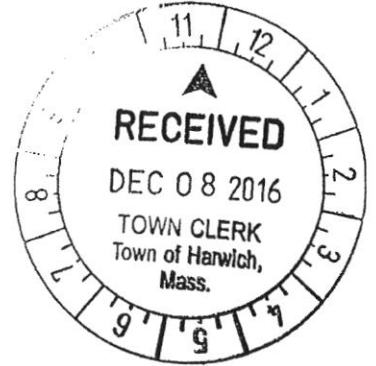




**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
PLANNING BOARD**

**DECISION  
DEFINITIVE SUBDIVISION**



**Owners:**

Robert W. And Patricia N. Shelley

**Deed Reference(s):**

BK 16663 / PG 308

**Address:**

0 Main Street Extension

**Map / Parcel(s):**

55 / F1

**Zone:**

R-L

**Case No.:**

PB2016-22

**Hearing Date(s):**

November 29, 2016

**Decision Date:**

November 29, 2016

**Hearing**

Following a duly-noticed public hearing held on November 29, 2016 the Town of Harwich Planning Board (the "Board") acting in the matter of case number PB2016-22 voted to grant a four (4) lot Definitive Subdivision Plan (three (3) buildable lots and one (1) non-building lot) with waivers. The proposal is pursuant to the Code of the Town of Harwich c.400, Rules and Regulations, Article II, Subdivision of Land and more specifically §400-10, §400-11.C and §400-12 thru §400-14 as set forth in M.G.L c. 41 §81K-GG.

Attorney Robert Scarano presented the application with Robert and Patricia Shelley also present to take comments and questions during deliberations.

Acting and voting on the matter were members Mr. McParland, Mr. Brophy, Ms. Cebula, Mr. de Bakker, Mr. Atkinson and Mr. Peterson.

**Documents**

The Board reviewed and referred to the submitted application, list of waivers, and supporting documents along with the set of plans prepared by Kevin E. Danahy, P.L.S. of

PLAN → BOOK 668 PAGE 72

Cyprus Design, Inc., Land Surveying and Civil Engineering, prepared for Robert and Patricia Shelley, as follows:

1. Definitive Subdivision Shelley Path, Cover Sheet, 62 Main Street Extension Harwich, Massachusetts, dated 04-05-16, last revised 09-07-16. Scale 1" = 100', Sheet No. 1 of 4.
2. Definitive Subdivision Shelley Path, Existing Conditions, 62 Main Street Extension Harwich, Massachusetts, dated 04-05-16, last revised 9-07-16. Scale 1" = 30', Sheet 2 of 4.
3. Definitive Subdivision Shelley Path, Lotting Plan, 62 Main Street Extension Harwich, Massachusetts, dated 04-05-16, last revised 11-14-16. Scale 1"=30', Sheet 3 of 4.
4. Definitive Subdivision Shelley Path, Site Plan, 62 Main Street Extension Harwich, Massachusetts, dated 04-05-16, last revised 9-07-16. Scale 1" = 30', Sheet 4 of 4.

### **Waivers Requested**

The following waivers were requested by the applicant:

1. §400, Appendix 4B (L45): Elevation Datum is required to be taken from U.S.G.S. Datum. A waiver has been requested to allow Assumed Datum instead of U.S.G.S Datum.
2. §400, Appendix 2: A minimum roadway width of 20' is required. A waiver has been requested to allow an 18' wide crowned gravel roadway with crushed stone infiltration side trenches.
3. §400, Appendix 3 Figure No. 1: A minimum angle of street intersection at 70 degrees is required. A waiver has been requested to allow a minimum angle of street intersection at 56 degrees (existing ancient way interesting with Main Street).
4. §400, Appendix 4B (L52): An existing Ground Profile Right Side Line is required.
5. §400, Appendix 4B (L53): An existing Ground Profile Left Side Line is required.
6. §400, Appendix 4B (L62): A Stopping Sight Distance for all vertical curves and intersections is required.
7. §400- Appendix 4B (L63): Plan is required to show an approximate limit of clearing.

After public deliberation and hearing from all parties having an interest in the case, including Attorney David Reid representing the abutter, the Slineys Family, the Board members reviewed the criteria for granting the application for a Definitive Subdivision and voted in the following manner.

**Decisions:**

**Findings of Facts:**

On a motion by Mr. McParland and seconded by Mr. Atkinson, the Board voted unanimously (6-0-0) to approve the following:

1. Said subdivision for single-family homes is a permitted use in the underlying district and does not adversely affect the neighborhood.
2. Lots 1, 2 and 3 demonstrate compliance of minimum dimensional requirements for frontage, area and shape.
3. Lot A is designated on the subdivision plan as "not a buildable lot".
4. Proposed road construction satisfies all requirements pursuant to §400-12 through 14; §400 Appendix 1-The Rational Method of Drainage Design; and Appendix 2 Tables 1 through 4.

**Definitive Subdivision:**

On a motion by Mr. McParland and seconded by Mr. Atkinson the Board unanimously (6-0-0) voted to approve with conditions and waivers the application for the four (4) lot Definitive Subdivision for Robert & Patricia Shelley as shown on the plan entitled "Definitive Subdivision Shelley Path", Lotting Plan, 62 Main Street Extension Harwich, MA dated 04-05-16, last revised 11-14-2016. Scale 1" = 30', Sheet No. 3 of 4, as prepared by Kevin E. Danahy, P.L.S., Cyprus Design Inc. for Robert and Patricia Shelley with the following conditions:

1. Board of Health conditions shall be inscribed on the Lotting Plan Sheet 3 of 4, or such document of conditions shall be referred to on the plan as specified in M.G.L c41, 81U.
2. "Stormwater BMP Operation/Maintenance Manual has proposed an aggressive maintenance schedule which should be strictly adhered to by the Homeowners Association." shall be noted on the Lotting Plan, sheet 3 of 4.
3. A water main and hydrant per the Harwich Water Department must be shown and labeled on the Site Plan, sheet 4 of 4.
4. The entire proposed grade profile must be shown on the Site Plan, sheet 4 of 4.
5. The drainage calculations and storm water reports must be stamped by a Registered Professional Civil Engineer.

6. The road shall be known as Shelley Path.
7. A standard Planning Board Agreement and Covenant shall be fully executed and recorded at the Barnstable County Registry of Deeds.
8. The "Stormwater BMP Operations & Maintenance Manual" [of the Homeowners Association] shall include specific language addressing reporting requirements for drainage component failure as it affects Old Main Street and that such reporting of said failure shall require the Owner and or Homeowners Association to return to the Planning Board Agenda for the purpose of correcting said drainage / catch basin component to the approved plan.

In accordance with M.G.L Ch. 41 Sec. 81U, which requires a majority vote for approval of a definitive subdivision plan, six of the seven board members voted in favor as follows:

**All Votes:**

FAVOR: Atkinson, McParland, de Bakker, Brophy, Peterson, Cebula  
 OPPOSED: None  
 ABSTAIN: None

*Lawrence E. Brophy*  
 \_\_\_\_\_  
 Lawrence E. Brophy, Chairman

This Decision has been filed with the Town Clerk on: DEC 08 2016

*Anita R. Duce*  
 \_\_\_\_\_  
 Town Clerk

This is to certify that twenty days have elapsed after this decision was filed in my office and no appeal has been filed.

Date filed: DEC 08 2016 Twenty Days Elapsed: \_\_\_\_\_

*Anita R. Duce*  
 \_\_\_\_\_  
 Town Clerk

*Harwich Planning Board*  
 DEC 29 2016  
 JAN 23 2017

**MENSIONAL TABLE**  
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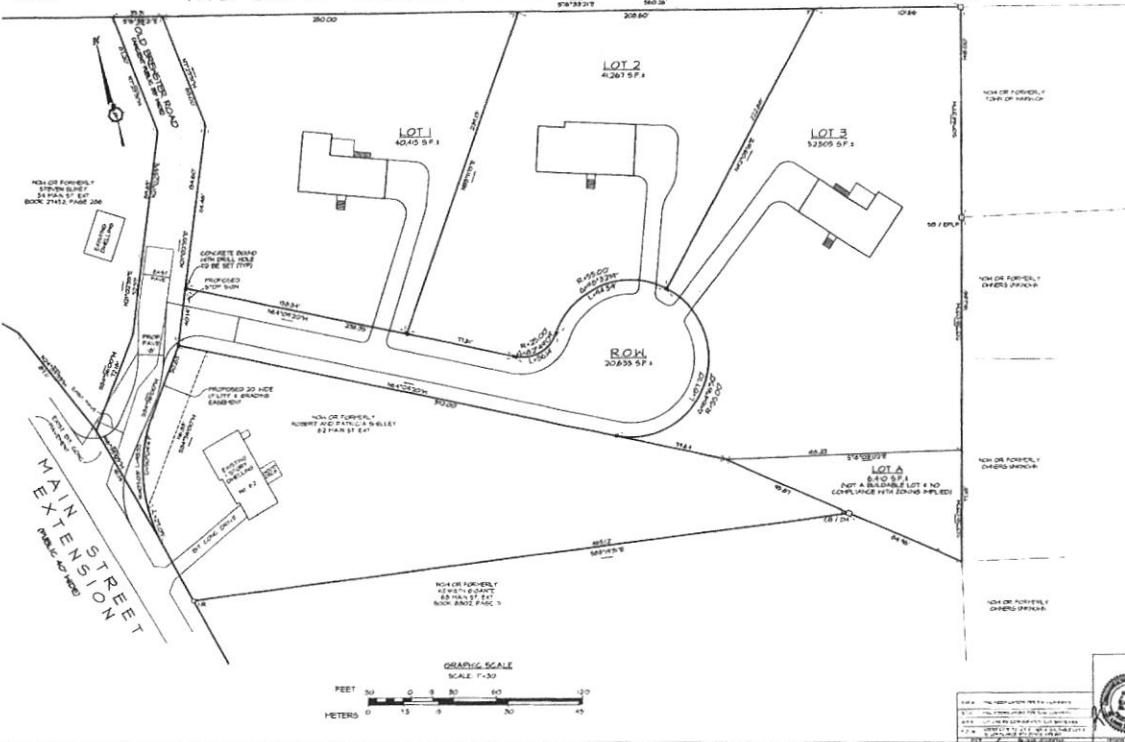
ITEM	REQUIRED	PROVIDED		
		LOT 1	LOT 2	LOT 3
LOT AREA	40,000 SF	40,435 SF	41,267 SF	32,529 SF
LOT FRONTAGE	350' MIN.	233.4'	208.54'	271.02'
FRONT YARD	20' MIN.	87'	72'	102'
SIDE YARD	20' MIN.	48'	31'	44'
REAR YARD	20' MIN.	87'	78'	44'
BUILDING HEIGHT	30' MAX.	30' MAX.	30' MAX.	30' MAX.
BUILDING COVERAGE	5% MAX.	5.8%	6.8%	4.8%
SITE COVERAGE	30% MAX.	10.1%	10.8%	7.6%
LOT SHAPE CALC.	22' MAX.	111'	121'	201'

**NOTES:**  
1) DEVELOPER TO NOTIFY ADJACENT AT EACH CORNER TO ACCEPT POSSIBLE ENTIRE SHEEP CORNER PLAN.  
2) COVENANT TO BE FILED WITH PLAN.  
3) ALL UTILITIES ON SHEEP CORNER.  
4) THE SUBDIVISION MAP OPERATING AND MAINTENANCE MANUAL OF THE HOMEOWNERS ASSOCIATION SHALL INCLUDE SPECIFIC AND USE ADDRESSING REPAIRS AND REQUIREMENTS FOR CLEANAGE COMPONENT FAILURE AS IT APPLICABLE TO THIS STREET AND THAT SHALL REQUIREMENT OF LAND FAILURE SHALL REQUIRE THE OWNER AND OR HOMEOWNERS ASSOCIATION TO RETURN TO THE PLANNING BOARD AREA FOR THE PURPOSE OF CORRECTING THIS SCHEDULE 7 ON THE PLAN TO BE APPROVED TO THE APPROVED PLAN. SEE OPERATING AND MAINTENANCE MANUAL ATTACHED WITH THE APPROVED PLAN. SEE NOTE # 2 OF APPROVAL.  
5) THE BOARD OF HEALTH CONDITION LETTER DATED SEPTEMBER 21, 2016.  
6) HOMEOWNERS ASSOCIATION MAINTENANCE MANUAL HAS PROVIDED AN ADDRESSIVE MAINTENANCE SCHEDULE WHICH SHOULD BE STRICTLY ADHERED TO BY THE HOMEOWNERS ASSOCIATION.

FOR RECORD OF DEEDS USE ONLY  
I DECLARE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF DEEDS.  
*K. P. [Signature]*

LOCUS MAP (1"=500')

**MID CAPE HIGHWAY ROUTE 6**



APPROVED BY THE  
**HARVICH PLANNING BOARD**  
*[Signatures]*  
DATE: 04/17/17

APPROVED BY THE  
**HARVICH PLANNING BOARD**  
*[Signatures]*  
DATE: 06/15/2017

**REFERENCES:**  
ASSESSOR'S MAP 50, LOT K1-2  
ASSESSOR'S MAP 50, LOT #1  
DEED BOOK 1370, PG 156  
PLAN BOOK 581, PLAN 88  
PLAN BOOK 1665, PG 208  
PLAN BOOK 215, PLAN 17  
PLAN BOOK 130, PLAN 54  
TAKING A ROADSIDE 125 BOOK #2, PLAN 415

**DEFINITIVE SUBDIVISION  
SHELLEY PATH**

**LOTTING PLAN**  
62 MAIN STREET EXTENSION  
HARVICH, MASSACHUSETTS  
ASSESSOR'S MAP 50, PARCEL 50-21-6, PIV  
PREPARED FOR  
**ROBERT & PATRICIA SHELLEY**  
PREPARED BY  
**COPY DESIGN, INC.**  
SCALE: 1"=30' SHEET 2 OF 4 DATE: 04-09-16

668 72