



TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Craig Chadwick Vice Chair, Mary Maslowski,
Anne Clark Tucker and Emily Brutti, Harry Munns and Allan Peterson

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HARWICH, MA

2023 OCT -4 P 12:03

Certificate of Action Site Plan Review Special Permit Approval Case PB2023-07

October 10, 2023

Round Cove Resort Owner LLC
c/o Marian S. Rose, Esq.
Law Offices of Singer & Singer LLC
26 Upper County Road, P.O. Box 67
Dennisport, MA 02639

Please be advised that at a duly advertised, posted and noticed public hearing opened on April 25, 2023, in meetings continued to June 27, 2023, September 12, 2023, and September 26, 2023, The Harwich Planning Board ("the Board") **voted unanimously to approve** with conditions a Site Plan Review Special Permit in accordance with the Harwich Zoning Bylaw Sections 325-55 to allow the owners to raze and replace three one-story structures with three two-story structures in the same general area, creating twelve additional hotel/motel units and related hardscape, landscape, parking and amenity improvements.

Case No.: PB2023-07

Applicant: Round Cove Resort Owner LLC a.k.a. Wequassett Resort and Golf Club

Location: 2173 Route 28 and 4 Cove Landing, Head of the Bay, Harwich;

Assessor's Map 115, Lot S 1-3, Lot R-2.

Owner: Round Cove Resort Owner LLC

Zoning District(s): Residential High Density -1 (RH-2)

Deed Reference: Book 35110, Page 143, Book 35653, Page 231; Plan Book 700, Pages 96-97.

Decision Date: September 26, 2023

SUMMARY OF PROCEEDINGS:

The public hearing in this matter was opened on Tuesday, April 25, 2023 at 6:30 PM in the Griffin Room at Town Hall as well as via remote participation using GoToMeeting. Due notice was given to all abutters within 300' of the Subject Property deemed affected as shown on the latest tax rolls of the Town, as well as the four abutting Towns and by publication in the Cape Cod Chronicle. The plans were distributed to the Health Department, Conservation Department, Highway

Department, Police, Fire and Water Departments for comments. Comments received by each were distributed back to the applicant's agent and to the Board.

On April 25, 2023, the hearing was continued in order to confirm Board authority for the expansion of hotel/motel use through consultation with Town Counsel. Relief for expanded hotel/motel use was subsequently approved by the Harwich Zoning Board of Appeals in Decision 2023-05 and the Planning Board's review of the Applicant's project was limited to a Site Plan Review Special Permit based on the increase in non-residential floor area and the re-design of related parking.

Substantive hearings were held and continued on April 25, 2023, June 27, 2023, and September 12, 2023 at which time, the Board moved to close the public hearing. The applicant was represented by Marian Rose, counsel for applicant from the Law Offices of Singer & Singer, LLC, John Bologna, Coastal Engineering, Albert and Brooke Core, Studio Core Design PLLC, Dave Hawk, Hawk Design Inc., Alton Chun, Regional Director for the Applicant and Josette Willis, Resort Manager. The Board reviewed the materials and asked for clarifications on some of the proposed improvements, screening, and other related issues. The Board then opened the hearing for public comments. Counsel for abutters residing at 2 Cove Landing, were present at each hearing and argued that the Board was not authorized to grant a Site Plan Review special permit and that the work as proposed would have an unwanted impact on abutters.

Acting and voting on the matter were: Duncan Berry, Chairman, Craig Chadwick, Vice Chairman, Alan Peterson, Emily Brutti, Ann Clark Tucker and Harry Munns.

After accepting testimony from all parties having an interest in the case, the Board voted to close the public hearing on September 12, 2023. The vote was unanimous. The members then deliberated and reviewed the criteria for granting a Site Plan Review Special Permit in accordance with section 325-55 of the Zoning Bylaw. On September 26, 2023, at a public meeting, the Board affirmed its approval of the application by unanimous roll call vote.

The decision in this matter is based upon the application, supporting documentation, public testimony and evidence provided at the hearing. Copies of the official records are located in the Planning Department files and are incorporated into the record by this reference.

Information Submitted

- Completed Application and Narrative; Supplemental Narrative;
- Fee Worksheet and Fee
- Landscape and Planting Design by Hawk Design Inc. dated 1.20.23, Sheets L1.1; L.1.2, L.1.3, L.1.4; L..5 and D.1.; Sheets L.1.1, L.1.2, and L.1.4 as amended dated 8.11.2023. and a perspective drawing of screening between locus and 2 Cove Landing as shown on presentation slides submitted;
- Site Plans proposed Sheet A0.1 by Studio Core Architects, PLLC dated 11.03.22
- Plan Set prepared by Coastal Engineering Co. Sheets C.2.1 and C1.2.2 dated 1.19.23; V1.1.1 and V1.1.1 dated 6.7.23; C101, C102, C103, C104 and C501 dated 2.7.23;
- Construction/Building Plans by Studio Core Architects PLLC, Sheets A.001, A100, A104, and A201 dated 1.30.23;
- Applicant's presentation slides including proposed elevations, proposed plantings, materials, photometric plans and perspective screening;

- Project review memorandum from Paul Halkiotis, Town Planner dated 2.23.2023.

Findings of the Harwich Planning Board

The Board finds as follows:

1. The applicant has applied to the Planning Board for a Site Plan Review Special Permit pursuant to Section 325-55 of the Harwich Zoning Bylaw.
2. The subject property is located at 4 Cove Landing and 2173 Rt. 28, Assessor's Map 115, Lots S 1-3, and Lot R-2. with a lot area of 966,100 +/- s.f. and is located in the Residential High Density 2 (RH-2) Zoning District.
3. The current uses of the Property are pre-existing nonconforming hotel/motel and related uses of a 121-unit resort with restaurant, tennis, pool and other amenities operated as the "Wequassett Resort and Golf Club" (allowed by previously granted 1967 Zoning Board of Appeals Special Permit recorded as Book 1385 Page 10 with the Barnstable Registry of Deeds) and a pre-existing nonconforming residential use which will remain unchanged on a lawfully preexisting and nonconforming portion of the property. The Board specifically considers the Property to be the "same site" as contemplated in Harwich Zoning By-Law section 325-54 and confirmed by a recorded 81X plan. See also PB2008-24.
4. The Board specifically finds that two primary uses, the hotel/motel use and a residential use which remains, unchanged, on what was 4 Cove Landing Road prior to merger, are allowed on the Property under the Harwich Zoning By-Law;
5. The applicant proposes to raze and replace three single-story structures used for hotel/motel use with three two-story structures also used for hotel/motel in the same general area, creating twelve additional hotel/motel units and related hardscape, landscape, parking and amenity improvements.
6. Abutters to the subject property were notified of the public hearing and provided with an opportunity to comment on the application. Relying on interpretation by the Harwich Zoning Board of Appeals in their decision (2023-05), the Board specifically finds that "neighborhood" is not exclusive to 2 Cove Landing and includes, at a minimum, all those abutters notified of the Petitioner's application.
7. In view of the particular characteristics of the site, and the proposal in relation to that site, the Board finds that the proposed project is not substantially more detrimental to the entire neighborhood than the existing conditions. The Board specifically finds that the proposed landscaped screening combined with the topographical features of the Property provide appropriate screening of the expanded hotel/motel use from 2 Cove Landing Road and other abutting properties.
8. The proposed structures will conform to the dimensional requirements of the Zoning By-Law. Building coverage and site coverage will remain conforming. Pre-existing

nonconforming amenities coverage will not be substantially increased and the changes in amenities coverage will benefit the operation of the Resort, pedestrian access and safety. Parking will remain conforming and the number of ADA parking spaces will increase and remain conforming.

9. The applicant has met all the requirements for a Site Plan Review Special Permit pursuant to the Harwich Zoning Bylaw.
10. The Board specifically grants an exemption under Section 5.D.6 of the Stormwater Permit By-Law based on the Conservation Commission review and a finding that the proposed area to be disrupted is less than one acre as shown on the submitted plans.

At the September 26, 2023 Planning Board meeting, Mr. Chadwick made a motion which was seconded by Mr. Peterson that the Board grant the requested Site Plan Review Special Permit for the site improvements and construction for Round Cove Resort Owner LLC, owner of the Wequassett Resort and Golf Club, Case PB2023-07. The Board members voted unanimously in favor by roll call vote.

IN FAVOR: Mr. Berry, Mr. Chadwick, Ms. Brutti, Mr. Peterson, Ms. Clark Tucker and Mr. Munns.

OPPOSED: None

ABSTAINED: None

Conditions of Approval

1. The proposed site improvements and building renovations shall be in accordance with the Site Plan referenced in the application above.
2. This decision shall run with the property.
3. This decision shall not be effective until the approved Site Plan Review Special Permit Certificate of Action is recorded at the Barnstable Registry of Deeds. The applicant shall submit proof of recording to the Planning Department prior to the start of construction.
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 conform to the inspection, certification and as-built plan requirements outlined pursuant to the Subdivision of Land and Site Plan Review Special Permit section of the Harwich Code.
6. The applicant shall install screening of over twenty mature evergreen trees of sizes varying from 8-10 feet to 14-16 feet planted at a grade higher than 2 Cove Landing's dwelling, in accordance with the plans submitted by the applicant. The applicant shall properly maintain all such trees and shall in a timely manner replace any trees that die or otherwise become unsightly with trees of similar size and type.
7. Only 4 rear-facing exterior lights shall be placed on the rear second floor decks of Buildings identified as A and B on plans submitted by the applicant, and they shall all be dark sky compliant and linked to motion sensors to limit their use during evening and nighttime hours. In addition, each night the window treatments for each occupied rear-facing room in Buildings A and B shall be closed and black-out drapes shall be drawn over all rear-facing doors and windows. Lights shall be turned off in any rear facing unoccupied room.

This special permit shall lapse at the end of two (2) years from the date of filing of the Board's decision in the office of the Town Clerk if substantial use or, in the case of permit for construction, if construction has not commenced, without good cause.



Duncan Berry, Chairman

4 October 2023

Date

Appeal from the above decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days of the date of filing hereof with the Town Clerk.

This Decision has been filed with the Town Clerk on:

October 4, 2023

Emily Mitchell (TM)
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: _____

Twenty Days Elapsed: _____

Town Clerk

cc: Emily Mitchell, Town Clerk
Jack Mee, Building Commissioner
Gail McAleer, Assessor
Marian S. Rose, Law Offices of Singer & Singer LLC