

A TRUE COPY, ATTEST
Emily Mitchell
**TOWN CLERK OF
 HARWICH, MASS**

**COMMONWEALTH OF MASSACHUSETTS
 TOWN OF HARWICH PLANNING BOARD
 DETERMINATION
 WAIVER OF SITE PLAN REVIEW**

2022 09 21 PM 02:26

Case No.: PB2022-20

Owner/Applicant: Linear Retail Harwich #1 LLC

Title: Deed Book 22581 Page 262 and LC Doc. 1,080,211

Property Address: 1421 Orleans Road, 400 East Shopping Center, East Harwich (Map 87 Parcel N1)

Decision Date: September 13, 2022

Findings

1. The applicant, Linear Retail, is the owner of the property at 1421 Orleans Road, East Harwich (Map 87 Parcel N1) which is a multi-tenant, retail property (400 East Shopping Plaza).
2. The property is located at the corner of Route 39 (Orleans Road) and Route 137 and is in the CH-2 (Commercial Highway 2) zoning district. The shopping plaza has vehicular access available from Route 39 and Route 137.
3. The application is made on behalf of a new lessee, Sherwin-Williams Paints.
4. The Applicant has made application for a Waiver of Site Plan pursuant to the Harwich Zoning Code §325-55.F and the application was prepared and submitted in accordance with the applicable requirements of the Harwich Code.
5. The case materials and plans were submitted and stamped in with the Town Clerk on August 26, 2022. They are entitled "Sherwin Williams Tenant Fit-Up," prepared by CME Architects, Inc., Plainville, MA, dated 08/17/2022 and includes:
 - "Existing Site Plan", Sheet DD.4A;
 - "Proposed Site Plan", Sheet DD.4B;
 - "Proposed and Existing Exterior West Elevations", Sheet A3.1;
 - "Proposed and Existing Exterior North Elevations", Sheet A3.2;
 - "Proposed and Existing Exterior East Elevations", Sheet A3.3;
 - Project narrative.
6. The proposal deals mainly with exterior changes to the doors and windows and associated landscaping features. Certain parking spaces will be restriped but there will be no decrease in the number of spaces. No other site infrastructure (stormwater, septic) changes are necessary or proposed.
7. The Health Department had no issues with the scope of the project.
8. Pursuant to Harwich Code §325-55F, the proposal does not substantially change the relationship of the structure to the site and to abutting properties and structures, and accordingly, the proposal does not require site plan review special permit approval.
9. The Board held a duly noticed public meeting for the waiver of site plan review request on September 13, 2022.

RECORD OF VOTE/ DETERMINATION

Present, acting and voting on the matters September 13, 2022 were members Mr. D. Berry (Chair), Ms. M. Maslowski, Mr. C. Chadwick, Ms. A. Tucker and Ms. E. Brutti

Based on the aforementioned findings:

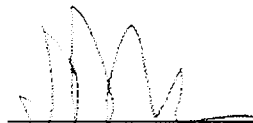
- 1) In Case Number PB2022-20, on a motion made by Ms. M. Maslowski, seconded by Mr. C. Chadwick, the Board voted unanimously (5-0-0) to grant a Waiver of Site Plan Review;
- 2) Said grants and approvals are subject to the following conditions.

Conditions of Approval

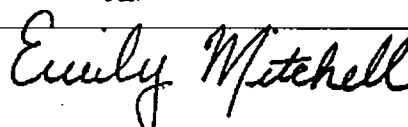
- 1. The proposed use and development shall be undertaken consistent with the plans referenced in the application material set out above.
- 2. This Decision shall run with the property.
- 3. This Decision shall not be effective until it is recorded with the Barnstable County Registry of Deeds.
- 4. The Applicant shall design and permit any of its signs in accordance with the applicable requirements of the Harwich Code.

There is no appeal period on the grant of a Waiver of Site Plan Review.

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.



Duncan Berry, Chair

This Decision has been filed with the Town Clerk on: SEP 21 2022

 Town Clerk