Harwich Planning Board

Town Hall, 732 Main Street, Harwich, MA – Griffin Room

**MINUTES**

**Tuesday, March 26, 2024**

This meeting of the Planning Board was held in-person and was also available for viewing via the GoToMeeting format.

**Recording Notice; Call to Order**

Mr. Berry read the following notice:

*According to MA Law anyone who intends to record the meeting must first notify the Chair who will then inform the other attendees at the start of the meeting.*

Members Present: Duncan Berry, Mary Maslowski, Emily Brutti, Ann Clark Tucker, Harry Munns and Allan Peterson. Christine Flynn, the Town Planner was also present.

Mr. Berry called the meeting to order at 6:30 PM and read the following notice.

1. **Pledge of Allegiance**

Mr. Berry invited all to join him in the Pledge of Allegiance.

**Case # PB2024-08** Christine Menard, Executive Director of the Family Pantry of Cape Cod, Corp, has applied for a Site Plan Review to create 44 parking spaces on an approximately 20,000 sf licensed portion of Town-owned land behind 139 Queen Anne Road, Assessor’s Map 57, Parcel G6-2 in the IL Zoning District.

Mr. Berry read the case into the record.

Christine Menard introduced herself and presented the case. She gave a brief history of the organization and spoke about how widespread food insecurity is on the Cape. There are 23,000 who identify as food insecure. The Food Pantry of Cape Cod (“The Pantry”) supplies food and clothing to a large portion of that population. She added that there are more than 50 volunteers plus 60 to 200 families who might visit the Pantry on any given day. The current parking layout makes shift changes really difficult. There is often a gridlock during that time and work needs to stop in order for volunteers to move in and out.

Jim Merriam then introduced himself and the project engineer, John O’Reilly of J. M. O’Reilly & Associates, Inc. and presented relevant portions of the application. The Pantry has had a license agreement with the Town to use a portion of Town-owned land behind 133 Queen Anne Road for a vegetable garden. There is a new license agreement with the Town to use an additional portion of that land to build 44 new parking spaces. Mr. O’Reilly added that the area will be cleared and then prepared with a 6” T-Base surface and appropriate stormwater runoff drainage with a vegetated swale using 2 elevated inlet pipes designed to accommodate a 100-year storm event. The lighting will be solar powered and dark sky compliant on seven 15’ poles. There will be a guard rail surrounding the area.

Mr. Merriam noted that the Pantry is requesting 3 waivers. The first is from the requirement of a Zoning Chart on the site plan. There are no structures requiring a notation on setbacks. The second is a waiver from the requirement for shade trees. The hope is that there will be more sun for the vegetable garden and less shade. This could bring a larger harvest. The third is from strict compliance with certain design standards for utilities.

Ms. Flynn gave a brief overview of the project with a Power Point presentation. She noted that the application is according to the Code of the Town of Harwich, Chapter 325-55(C) (2), adding that she, as well as the Town’s contracted Engineer, VHB are recommending approval of the Site Plan Special Permit along with the 3 requested waivers. The Town of Harwich is the land owner and has contracted with the Family Pantry via a License Agreement for the use of an area approximately 28,000 sf that sits behind #139 Queen Anne Road. There was overall support for the project within the Community Development Team.

There were no public comments.

Ms. Maslowski clarified through the Town Planner that the only portion of the property that is needing a Site Plan Special Permit is the parking area on the leased land and that there was no need to amend any other site plan associated with the Family Pantry property. She also suggested that the submitted plan be changed to reflect the 15’ pole height. Ms. Flynn agreed.

Mr. Peterson moved to close the Public Hearing with a second by Ms. Maslowski. The Board voted unanimously in favor.

Ms. Maslowski then moved with a second by Mr. Peterson that the Board grant the three (3) waivers as requested. The first is from the requirement of Section 400, Appendix 4 of a Zoning Compliance Table on the site plan. The second is from the requirement of Section 400, Appendix 2 for shade trees. And the third waiver is from strict compliance with Section 400 -13 with certain design standards for utilities. The Board voted unanimously in favor. 6-0-0

Ms. Maslowski continued her motion that the Board grant the Site Plan Review Special Permit with conditions for 28,340 sf portion of Town owned land, south of 139 Queen Anne Road, east of the Family Pantry garden and west of the Town of Harwich Disposal Area as shown in Assessor’s Maps 57 and 58 as Parcel M1-1 which is located within the Industrial Low Density Zoning District in order to create 44 engineered parking spaces as well as to adopt the Findings of Fact as follows:

1. The Town is the property owner of 133 Queen Anne Road and the Applicant is the licensee.

2. The subject property is a 28,340 sf portion of Town owned land, south of 139 Queen Anne Road, east of the Family Pantry garden and west of the Town of Harwich Disposal Area as shown in Assessor’s Maps 57 and 58 as Parcel M1-1 and is located within the Industrial Low Density Zoning District.

3. The Applicant proposes to create an engineered parking lot for approximately 44 spaces.

4. The Applicant applied to the Planning Board for a Site Plan Review Special Permit pursuant to Section 325-55 C(2) of the Harwich Zoning Bylaw.

5. The Applicant requested three Site Plan Review Waivers.

6. The application was filed with the Town on January 16, 2024.

7. The Planning Board held a public hearing on the application March 26, 2024.

Application materials included:

1) Form A and Narrative;

2) Request for Site Plan Review Waivers dated March 19, 2024

3) License Agreement between the Family Pantry and the Town of Harwich;

4) Proposed Site Plan of Land – Final Draft as prepared for Family Pantry of Cape Cod by J. M. O’Reilly & Associates, Inc., dated January 12, 2024;

5) Abutter Application.

6) Stormwater Management Report – Operation & Maintenance by John M. O’Reilly, P.E., P.L.S. of J.M. O’Reilly & Associates, Inc. revised report dated March 11, 2024;

7) Application Fee

This Special Permit is granted with the following conditions:

1. This decision shall run with the property.
2. This decision shall not be effective until it is recorded with the Barnstable Registry of Deeds.
3. Applicant will change the Site Plan to reflect dark-sky compliant light fixtures on 15’ poles.
4. Changes to the site not authorized under this decision will require further Planning Board review and modification to this decision.
5. The Applicant shall conform to the inspection, certification and “as-built” requirements outlined pursuant to the Town of Harwich.

The Board voted unanimously in favor. 6-0-0

1. **Public Meeting**

**PB2024-10** Donald and Mary Gould, through their agent, Donald Poole, PLS of Outermost Land Survey, Inc. have applied for the Board to endorse an Approval Not Required (ANR) “Plan of Land in Harwich, MA #144 Church Street & #7 Sparrowhawk Road…”, Assessor’s Map 88, Parcels T1-12 and T1-11 in the Residential Rural and Drinking Water Protection Zones.

Mr. Berry read the case into the record.

Ms. Flynn relayed that she and the Town Engineer, VHB recommend endorsement of the ANR plan.

Ms. Maslowski moved to endorse the requested Approval Not Required (ANR) “Plan of Land in Harwich, MA #144 Church Street & #7 Sparrowhawk Road…”, Assessor’s Map 88, Parcels T1-12 and T1-11 in the Residential Rural and Drinking Water Protection Zones, the Board having found that the plan does not trigger review under the Subdivision Control Laws. Mr. Peterson seconded the motion and the Board voted unanimously in favor. 6-0-0

1. New Business:
2. Craig Chadwick Remembrance – Mr. Berry noted the passing in February of long time Planning Board member, Craig Chadwick. He added that he knew Craig to be a remarkable human being and a fine man.

Mr. Peterson said that Craig was never afraid to ask the questions. He was a good guy who loved the Town of Harwich. Ms. Maslowski added that Craig took his role as a Board member seriously and that she is sad to hear of his passing.

1. Approval of Draft Minutes: 2/27/24.

Mr. Peterson moved to accept the Minutes of 2/27/24 as submitted with a second by Ms. Maslowski. The Board voted 5-0-1 in favor with Ms. Brutti abstaining due to her absence at that meeting.

1. Annual Reappointment Term Expiration Notice.

Mr. Berry told the Board that reappointment is by default. If a member does not wish to be reappointed, he/she will need to notify the Select Board.

1. Discussion of possible hybrid meetings.

The Board spoke about the possibility that a member might be out of town and want to attend a meeting via GoToMeeting. Ms. Flynn reminded the members that a quorum will still need to be present at the meeting location. Anyone wishing to attend remotely needs to send a letter with specific dates to Ms. Flynn, Mr. Berry and Meggan Eldredge for a request to be put on the next Select Board agenda for their approval.

Mr. Berry asked the Board to “get the word out” in search of new Planning Board member candidates.

1. Comprehensive Town Planning update: Community Engagement Meetings:
2. Ms. Flynn spoke briefly about the upcoming LCP Community Engagement meeting and suggested that Planning Board members attend, if possible. It will be on Saturday, 4/6/24 from 1:00–3:00, Harwich Community Center’s Community Rm.

**Adjourn**

1. Mr. Peterson moved to adjourn the meeting at 7:21 pm with a second by Ms. Maslowski. The Board voted 6-0-0 in favor.

Authorized Posting Officer: Shelagh Delaney, sdelaney@harwich-ma.gov or 508-430-7511