



TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Mary Maslowski, Ann Clark Tucker, Emily Brutti,
Harry Munns and Allan Peterson

**MEETING MINUTES
HARWICH PLANNING BOARD
GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
TUESDAY, JANUARY 14, 2025 - 6:30PM**

RECEIVED
TOWN CLERK
HARWICH, MA
2025 FEB 24 A 9:15

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

MEMBERS PARTICIPATING: Duncan Berry Chair, Harry Munns, Emily Brutti, Ann Clark Tucker Mary Maslowski, and Allan Peterson

MEMBERS NOT PARTICIPATING: None

ALSO PARTICIPATING: Christine Flynn, Director of Planning & Community Development

RECORDING NOTICE; CALL TO ORDER

Mr. Berry called the meeting of the Harwich Planning Board to order on Tuesday, January 14, 2025 at 6:31PM and read the Open meeting Law Notice.

I. PLEDGE OF ALLEGIANCE

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

II. PUBLIC MEETING

Follow-up to the joint meeting that occurred on January 7th, 2025, with the Local Planning Committee, Select Board and Planning Board. Continued review and discussion of Draft Local Comprehensive Plan (LCP). Update on 2025 Zoning Amendment: Accessory Dwelling Units. General Discussion of Harwich Zoning Codes

Ms. Flynn reviewed the priorities of the joint meeting where members gained understanding of the importance of the Local Comprehensive Plan. She explains that opinions and evaluation of the work completed on draft plans was gathered.

Mr. Berry inquired on the process for proceeding with the approval of the plans.

Ms. Flynn explained that the Planning Board will be asked to vote in favor of the Local Comprehensive Plan, before it is passed to Select Board, and further to the annual Town meeting. She states that it was recommended but not required to hold a public hearing for the Housing Production Plan, which was accomplished. She also states that the Conservation Commission will be holding a meeting for the Open Space and Recreation Plan, that will come before the Planning Board after. Ms. Flynn states that endorsement of the Housing Production Plan, the Open Space and Recreation Plan by the Planning Board will be helpful for approval by the Town and the State. She highlighted that the Local Comprehensive Plan is required to be reviewed for approval at the Town meeting in May 2025.

Ms. Flynn asks if there are any additional inputs regarding the discussion at the joint meeting, especially regarding the emphasis on redevelopment of Harwich and consistency of current development patterns within unique villages in the Housing Production Plan and Local Comprehensive Plan.

Mr. Berry commented on the semantic differences that were brought up during the discussions and asks about how these will be incorporated into updates of draft Housing Production Plan.

Ms. Flynn explained that she and Local Planning Committee members have been reviewing additional language suggestions based on comments received. Karen Sunnarborg, Tighe & Bond consultant for the project, submitted revised version of Housing Production Plan with these revisions which was submitted to Select Board and will be shared with the Planning Board.

Ms. Maslowski highlights her concern for the Housing Production Plan and Local Comprehensive Plan providing challenges to second homeowners. She highlights that many community members in Harwich are second-homeowners.

Mr. Berry states there was discussion in the joint meeting regarding the blanket discouragement of LLC property ownership in the area.

Ms. Tucker brings attention to the wealth gap associated with those principles. She references pg. 44 of the Housing Production Plan, specifically regarding the 38% vacancy of housing units within Harwich. She seeks to include more emphasis on possibilities to create more skilled jobs outside of the hospitality and service economy.

Ms. Flynn summarizes that in October 2024, the Governor signed the Affordable Homes Act which included Accessory Dwelling Unit (ADU) legislation as 'of right' statewide. She states that the State legislation will go into effect on February 2, 2025. The existing Town of Harwich ADU policy will need to be modified to include the State guidelines. These changes of language will need to be reviewed at the annual Town Meeting in May. She states that the status of the changes is in the draft phase with Town Council still working on language and awaiting official State legislation to be published in February. She explains that the Planning Board will review and have a public hearing regarding these changes to the ADU bylaw. Zoning Compliance

Officer, Town Clerk, Administration, Town Council will work together on meeting State requirements for timeline on updates.

Ms. Maslowski inquires what specifics will be changed by the new State legislation.

Ms. Flynn clarifies that the changes will include owner occupancy restriction.

Mr. Munns inquires on the current intent of changes.

Ms. Flynn states it will mostly be minor language changes and clarification that these standards derive from State legislation. She explains that there is some opposition to the proposed changes so there is still revision occurring. She highlights that Cape and Islands Communities shared opposition to the modification of owner occupancy for ADU's within a home requirement. She also describes implementation confusion regarding requirements for transportation stops in the new ADU legislation that are being addressed.

Mr. Berry asks if there is any recourse with the context of the 38% occupancy brought up earlier by Ms. Tucker.

Ms. Flynn clarifies that owner occupancy cannot be required if it goes against State legislation.

Ms. Maslowski asks if there are any places that the current ADU bylaw grants more rights than the State.

Ms. Flynn describes Town of Harwich allows for ADU square footage 1000 square feet; State says 900 square feet. Ms. Flynn predicts Town of Harwich will match State standards but suggests that Town Council feedback is necessary.

Ms. Tucker reaffirms the request to keep a count of how many ADUs come in for approval and how many are built.

Ms. Flynn summarizes since 2023, 15 building permits applied for ADUs. She states she will follow up with Building Department to gain a count of how many of these units have received a certificate of occupancy.

Members discuss the goal and history of ADU's in the Town. Ms. Maslowski asks about pre-2023 ADU bylaw. Mr. Peterson summarizes former Planning Board expectations with the amount of ADU's being low due to building costs. Ms. Tucker highlights the limitations of ADU impact on affordable housing if implementation isn't possible. Ms. Maslowski states that ADU was never intended to directly remedy affordable housing issues; it was a way for house-rich, cash-poor to stay in their homes locally. Ms. Flynn recognizes the importance of ADU's for housing options. Mr. Munns agrees and lists examples of workforce members that utilize this type of housing.

Ms. Tucker asks about the \$240,000 cost of the Housing Production Plan, Local Comprehensive Plan, and Open Space and Recreation Plan. She explains the need for the plan to be 'aspirational, inspirational, and operational'. She states the need for an implementation method for these plans, specifically with updating bylaws.

Ms. Flynn begins the general discussion of Harwich Zoning Codes. She states that her primary focus is to update the Zoning Map utilizing grant funding and Town funding. She also describes the goal to address Inclusionary zoning interest and refining mixed use development permitting. She states that zoning is a living document, and it is important to make sure purpose and intent is clear without unintended consequences. She describes that for larger zoning initiatives, Brian Sullivan, chairman of the Zoning Board of Appeals (ZBA) suggested a small working group of ZBA, Planning Board, and other committee members for these initiatives.

Ms. Tucker asks about main priorities.

Ms. Flynn highlights the importance of the updated and certified zoning map.

Mr. Munns asked if the overlay has changed since the creation of the current zoning map.

Ms. Flynn specifies that the accuracy of the boundary districts is what needs to specifically be addressed. She describes the need for an engineering company to certify boundaries. She highlights that the update of the zoning map is a critical project.

Mr. Berry states that it is also a priority to review the language within zoning code for clarity.

Ms. Maslowski agrees that there are disconnects created over time in the language that should be addressed before additions and significant bylaw changes are made.

Ms. Flynn agrees and specifies that definitions pertaining to multi-family and site coverage would be useful to update, for example pervious vs impervious surfaces. She states that these minor edits would be useful, but it is ultimately the discretion of the Board to prioritize updates.

Mr. Brian Sullivan, chair of Zoning Board of Appeals, summarizes the options of pervious surfaces for site coverage requirements and highlights the positive impact of new zoning option to enhance environment with encouragement for different materials. Mr. Sullivan suggests a committee with the Zoning Board, Conservation, Zoning Compliance Officer, and Planning Board, to all work together to discuss options deeper with engineers and landscape architect.

Ms. Tucker states that on the landscape side, there is concern about clearcutting lots for development to plant new design plans. She inquires if there is a management method for avoiding the cutting of trees in place.

Mr. Sullivan agrees with the concern and says that it could be useful to consider the issue with another working group as well.

Mr. Berry states that these opportunities could pave a path for collaboration between the different Boards for zoning bylaw changes.

Mr. Sullivan highlights the need for zoning code to keep up with State changes to be operative. He describes the issue with the Zoning Map, which included one case dispute between the delineation of two districts requiring lengthy review and hearings.

Ms. Maslowski asks for clarification on the case.

Mr. Sullivan summarizes the disagreement about where the line of the boundary between two districts based on a street depicted on the zoning map. He states that after review, it was possible to go the Applicant and have the plan revised for approval.

Mr. Berry inquires about the collaboration on the Town article with a goal of May 2026.

Mr. Sullivan agrees to this timeline, with research done by fall. Mr. Sullivan inquires about if former ADU policy was changed to 1000 square feet with the State standard of 900 square feet in place already.

Ms. Maslowski says the Town original bylaw was 900 square feet and the Cape Cod Commission had set 1000 square feet in their ADU zoning bylaw, so the Town matched this standard. She then summarizes historical changes to ADU bylaw.

Mr. Sullivan asks about placing a deed restriction for the 6-month minimum rental period for ADUs. He states that this restriction would clarify ADU requirements to new homeowners in the transfer of homes with approved ADUs.

Ms. Maslowski asks about if the State legislation includes a 6-month minimum rental period for ADUs.

Mr. Sullivan confirms there is the 6-month minimum rental period included in the State legislation and reiterates the importance of a potential deed restriction on both properties.

Ms. Flynn agrees about deed restrictions to ensure compliance in transactions including ADUs.

Mr. Sullivan highlights excellence of Local Comprehensive Plan and Housing Production Plan. He cautions the lack of proper procedure for implementation of plan. He suggests a budget be put into the plan for implementation.

Mr. Berry mentions that enforcement and implementation challenges may be difficult to address without additional staff. He also mentions the need for benchmarks to accomplish priorities within the plans.

Ms. Flynn states that the Housing Production Plan and Open Space and Recreation Plan has recommended priorities and action items. She clarifies that the Local Comprehensive plan is going to clarify the responsible agency for these items with specific funding needs and timeframes.

Ms. Tucker agrees with associating a budget behind these plans.

Mr. Sullivan describes the potential process of the Select Board managing and allocating funds to different departments as necessary.

Ms. Tucker highlights the numerous mentions of the term 'crisis' in these plans and states that a crisis justifies resources backing these priorities.

Mr. Sullivan describes the need to have a figure for the number of contiguous acres available for development/ redevelopment included in the Housing Production Plan. He states that this data will help to understand where new zoning can be applied.

Mr. Patrick Otton, East Harwich, inquires about tree cutting within Harwich. He details how he brought a bylaw by citizens petition to the Town Meeting last year regarding tree cutting on the perimeter of lots that is based on the Town of Mashpee's bylaw. He summarizes that it was turned down at Town Meeting last year, but he is seeking to present it again. He asks about the proper procedure to present and get this proposed bylaw to the Town Meeting.

Ms. Maslowski describes the challenges associated with pursuing a bylaw change by petition because the exact wording must be passed if a bylaw change is brought by petition. This bylaw must go through to the Town and further to the Attorney General's office for approval.

Mr. Otton states that he brought his proposed bylaw to the Bylaw Charter Review Committee who suggested no major revisions.

Ms. Maslowski clarifies that the Bylaw Charter Review Committee approval does not correlate to Town approval because bylaws must be tailored to the specific Town bylaws that are already in place. She describes that she recommends going through the Select Board to receive help and support drafting a bylaw for this issue. She states that the Select Board can refer the bylaw change draft to Planning and Conservation and to be reviewed by Town Council before it is up for approval at the Town Meeting. She also specifies that zoning bylaw changes must go through a public hearing and then to the annual Town Meeting for approval. She cautions that minor defects in language or process can result in a denial by the Attorney General if the bylaw is not thoroughly reviewed prior to approval.

Mr. Otton clarifies her recommendation and specifically asks how to address the Select Board.

Ms. Maslowski reviews her recommendation of addressing the Select Board and asking for the referral to Planning or Conservation.

Mr. Berry describes the benefit of this process for increased crowdsourcing and the addressing of unintended consequences through public review. He states that the endorsement of Boards and finance committee will create a solid base of support.

Ms. Maslowski highlights that the Town already has buffer zones for development, so there may be an option to adjust the existing bylaw rather than introduce a new one. She states that the process of review would allow the Planning Board to implement this idea in the most effective manner within Harwich.

Mr. Otton asks about home rule petitions for a certain action, specifically pesticides or fertilizers.

Ms. Maslowski answers that a petition to the Select Board would be advisory in nature, but that they could carry the matter further to the Town Meeting.

IV. Town Planner update:

* Volunteer Fair January 23rd, 4-6pm at Community Center

Advocate for more members on Planning Board. One vacancy, and 2 alternate vacancies.

Mr. Berry asks about State sponsored seminars for Planning Board members. Ms. Flynn describes Citizen Planner Training Collaborative workshop for members and states that she will send information. Members of the board discuss the need to post an ad if a majority of members are attending.

V. ADJOURN

Mr. Peterson moved to adjourn. Seconded by Mr. Munns.

Vote: 6:0 in favor. Motion carried unanimously.

Respectfully submitted,

Meg Salmon

