

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

**MEETING MINUTES
HARWICH PLANNING BOARD
TOWN HALL, 732 MAIN STREET, HARWICH, MA
SMALL CONFERENCE ROOM
TUESDAY, MAY 27, 2025 - 6:30PM**

RECEIVED
TOWN CLERK
HARWICH, MA

2025 AUG 18 A 11: 35

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

MEMBER NOT PARTICIPATING: Allan Peterson

ALSO PARTICIPATING: Christine Flynn, Town Planner and Director of Community Development

RECORDING NOTICE; CALL TO ORDER

Mr. Berry called the meeting of the Harwich Planning Board to order on Tuesday, May 27, 2025, at 6:30PM.

I. OPEN MEETING:

Mr. Barry declared the meeting open.

II. PLEDGE OF ALLEGIANCE:

Mr. Berry noted the absence of a flag in the Small Conference Room and did not lead in the Pledge of Allegiance.

Mr. Berry continued to Item b. Case #PB2025-09.

III. PUBLIC HEARING:

- a. **a. Continued from April 22, 2025, Case #PB2025-08 715 Harwich LLC, Manager, Samuel G. Patel,** seeks approval for a Site Plan Review Special Permit and Fast Food/Takeout Special Permit. The proposed project is to convert two existing commercial units into one commercial unit with one addition of 1,120 square feet and reconfiguration of the parking lot. The new commercial unit will contain a convenience store with a fast food/takeout deli. The application is pursuant to the Code of Harwich Sections s325-14(O), s325-51, s325-55 and MGL Chapter 40A sections 9 and 11. The property is located at **715 Main Street**. Assessor's Map 41 Parcel D7-1 and the parcel is approximately 31,984 square feet. The parcel is in the Commercial Village (CV) Zoning District and within the Harwich Center Overlay District (HCOD).

Mr. Berry read Case #PB20325-08 as presented and noted that they are continuing the meeting that commenced on April 22nd. He noted that he has taken a Mullen Rule rehabilitation exercise and asked for updates from the town.

Christine Flynn noted that the project is located at 715 Main Street and seeks approval for modification of a Site Plan Review Special Permit and a Fast Food/Takeout Special Permit. She noted that it is a convenience store and will remain as a liquor store as well with a fast food/take out deli that will be limited to Board of Health approval as a condition. She noted that the packet includes a revised staff report and VHB's storm water and parking layout reviews as well as an updated, revised site plan review from the applicant. Ms. Flynn noted that the applicant did address the storm water comments from VHB, and they didn't feel that any further revisions to the site plan would be required. She noted that the parking review and turning radius was done by VHB internally. Ms. Flynn noted that she had spoken with Steve Rhoads and VHB found that the layout was adequate for the turning radius in and out of parking. They are in conformance with Harwich's parking requirements. As requested by staff, the dumpster was clearly marked with screening. Ms. Flynn recapped the plan noting that the applicant is cornering the existing building with a 1200 square foot addition and a 40 square foot addition to the rear of the easterly side of the building.

Mr. Berry asked if there were any concerns by the town regarding increased traffic.

Ms. Flynn replied that there were no traffic concerns. A traffic study was not required and VHB did not feel a traffic study was necessary.

Ms. Maslowski noted the applicants' requests and noted that it should be a finding of facts and two separate motions. She asked for the number of the original site plan for reference.

Ms. Flynn replied that on Case #PB2022-21, the Board voted unanimously for a Mixed-Use Development Special Permit.

Mr. Berry asked for questions from the Board or comments from the applicants.

Ms. Maslowski commented to the applicants that if anything has changed on the plan, they must go back to Historic. She was unsure if Historic saw the dumpster and the enclosure for the dumpster.

Ms. Maslowski moved to close the public hearing. Seconded by Ms. Tucker.

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

Ms. Maslowski moved to adopt the following findings of fact:

1. The applicant is Saumil Patel, Manager at 715 Harwich, LLC.
2. Subject property is 715 Main Street, Map 41, parcel D7-1

3. The property is located in the Commercial Village (CV) and Harwich Center Overlay District (HCOD)

4. The application for a Site Plan Review Special Permit Modification and Fast Food/Takeout Use Special Permit was filed with the town Clerk on March 14, 2025.

5. The Planning Board held a public hearing on April 22 and May 27, 2025.

6. In addition, the Board finds that;

a. The use as developed will not adversely affect the neighborhood.

b. The specific site is an appropriate location for such a use, structure or condition.

c. There will be no nuisance or hazard to vehicles or pedestrians

d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes a provision of appropriate sewage treatment facilities which provide for denitrification when the permit granting authority deems such facilities necessary for protection of drinking waters, supply wells, ponds or salt water embayments.

Seconded by Ms. Brutti.

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

Ms. Maslowski moved to approve with conditions, Case #PB2025-08 715 Harwich, LLC, 715 Main Street for approval of modifications of a Site Plan Review for two additions totaling 1,165 square feet and reconfiguration of the parking lot and approve a Fast Food/Takeout Use Special Permit pursuant to 325-51 with the Code of the Town of Harwich for property located at 715 Main Street, Map 41, parcel D7-1 in the Commercial Village (CV) and Harwich Center Overlay District (HCOD). The decision is based on the aforementioned findings of fact and that the application meets the necessary requirements and criteria for approval pursuant to the Code of the Town of Harwich and with the following conditions imposed relative to the Special Permit Review.

1. Any revised site plan shall be approved by the Town's Consulting Engineer and Town Planner.

2. The applicant is Saumil Patel, Manager 715 Harwich, LLC

3. The subject property is 715 Main Street Map 41, Parcel D7-1

4. The property is located in the Commercial Village (CV) Zoning District and within the Harwich Center Overlay District (HCOD)

5. The application for a Site Plan Review Special Permit Modification and Fast Food/Takeout Use Special Permit was filed with the Town Clerk on March 14, 2025

6. The Planning Board held a public hearing on April 22, 2025 and May 27, 2025

7. The proposed modification to Site Plan Review to include two additions, 1120 square feet and 45 square feet. The modification also includes a reconfiguration of the existing parking lot to increase parking from 23 to 36 spaces. The proposal includes Special Permit for Fast Food/Takeout Restaurant.

8. The fast food/takeout shall require approval by the Board of Health and the fast food /takeout permit shall be limited to serve prepared or prepackaged foods only.

9. This decision shall run with the property. Conditions of approval shall be binding on future owners.

10. The Special Permit shall not take effect until a copy of the decision bearing the certificate of the Town Clerk, that 20 days have elapsed after the filing of the decision and that either an appeal has not been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address.

11. The Special Permit shall lapse within two years which shall not include such time required to pursue or await the determination of an appeal referred to in GL Chapter 40A section 17 from the grant thereof is a substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun by such date except for good cause.

12. Changes to the site not authorized under this decision will require further Planning Board review and modifications to this decision.

13. The applicant shall conform to the inspection, certification and as-built plan requirements outlined pursuant to the Code of the Town of Harwich.

14. Any provisions of the Site Plan Review Special Permit Mixed Use Development Special Permit and Harwich Center Overlay Special Permit Case #PB2022-21 not modified herein shall remain in full force and effect.

Seconded by Ms. Tucker.

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

b. Continued from April 22,2025 Case #PB2025-09 Jeff Lang & Sandra Wycoff, Owners, through David J. Crispin, P.E. of BSC Group Inc., Agent, seeks approval for a Site Plan Review Special Permit. The proposed project is to construct a 93-space parking lot and perimeter pedestrian path. The application is pursuant to the Code or Harwich Sections s325-51, s325-55 and MGL Chapter 40A sections 9 and 11. The property is located at 397 Route 28, Assessor's Map 13 Parcel D-1and the parcel is approximately 136,778 square feet. The parcel is in the Commercial Highway a (CH-1) and Residential High Density 1 (RH-1) Zoning Districts.

Mr. Berry noted that this is a request for a continuance by the owners and read Case #PB2025-09 as presented.

Ms. Maslowski moved to continue Case #PB2025-09 to the June 24th meeting, at Town Hall, no sooner than 6:30PM. Seconded by Ms. Tucker.

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

IV. Public Meeting:

V. APPROVE MEETING MINUTES:

a. March 11, 2025

170 Mr. Berry moved to approve the Minutes as printed for the March 11, 2025, meeting.
171 Seconded by Ms. Tucker.
172
173 Vote: 6:0 in favor. Motion carried.
174
175 b. March 25, 2025
176
177 Mr. Berry moved to approve the Minutes as printed for the March 25, 2025, meeting.
178 Seconded by Ms. Tucker.
179
180 Vote: 4:0:2 with Mr. Berry and Ms. Newman abstained. Motion carried.
181
182 c. April 8, 2025
183
184 Ms. Maslowski moved to approve the Minutes as printed for the April 8, 2025, meeting.
185 Seconded by Ms. Tucker.
186
187 Vote: 4:0:2 with Mr. Berry and Ms. Newman abstained. Motion carried.
188
189 d. April 22, 2025
190
191 Ms. Maslowski moved to approve the Minutes as printed for the April 22, 2025, meeting.
192 Seconded by Ms. Tucker.
193
194 5:0:1 with Mr. Berry abstained. Motion carried.
195
196 Ms. Tucker questioned the number of members that were at the April 22nd meeting that will
197 be able to vote on the case they continued this evening.
198
199 Ms. Flynn replied that there were 6 members on April 22nd. There will be 5 members at the
200 June 24th meeting who will be able to vote on that case.
201
202 e. May 5, 2025
203
204 No vote taken.
205
206 Ms. Flynn noted that she has ANRs from the last meeting that need signatures from Board
207 members.
208
209 **VI. TOWN PLANNER UPDATE:**
210 a. Local Comprehensive Plan Update
211

Ms. Flynn noted that they are still progressing on the Local Comprehensive Plan (LCP) and they hope to have a final draft by the end of June. The final LCP will be taken out to the public as well as local Boards and Committees.

Mr. Berry noted that he will be making an appearance at a meeting this month as an interested party and will have an appendix that will appear in the final document.

b. Pine Oaks Village IV

Ms. Flynn noted that there was filing in April. The Zoning Board of Appeals (ZBA) held their first meeting on April 24th. Town Boards and Committees were asked to submit comments, and they are asking that if there are any comments or concerns regarding the project, they need to be limited in scope to public safety, public health and environmental impacts. The ZBAs next meeting will be June 18th, and the main topic of discussion will be traffic and public safety. She also noted that all materials are located on the Town's website. She asked that Planning Board members send her any information or thoughts and she offered to take comments from Board members and collate them into an outline. She also noted that all hard copies of documents as well as a place to view them are available to Board members.

The June 18th ZBA meeting will be held at the 204 Sisson Road, Cultural Center building at 6:30PM.

Mr. Berry asked if there have been design changes since the project was first proposed.

Ms. Flynn replied that not a lot has changed. There has been more information and there are more visual renderings.

Ms. Maslowski asked if Ms. Flynn had specific concerns that would help to have the Planning Board back her up as far as the ZBA is concerned.

Ms. Flynn replied that it is too early for her to respond but also noted a few items she may have an opportunity to comment on, specifically regarding better public safety, which she described. She noted an ancient way, Anassis Way, that will be a road primarily for emergency services. Ms. Flynn noted what evaluations will have to be made and by whom, regarding that road.

Board members discussed what their input and comments should be and whether they need to site specific regulations.

Ms. Flynn commented that she feels it is important for the Board to site specific regulations. She offered to put the design standards in a packet for the Board members' reference. Ms. Flynn also noted that the applicant has listed the requested waivers which she will also forward to all Board members. She will also send the Planning Board's requirement for a subdivision. She clarified that that information is not relative to the comprehensive permit.

255
256 Ms. Tucker commented that there has been a lot of discussion over who will be getting the
257 housing.
258
259 Ms. Flynn responded it would be appropriate for the Planning Board to ask the ZBA to consider
260 local preference options or encourage them to condition that.
261
262 Ms. Tucker asked if there was a way to request that certain parts of the phasing be done earlier.
263
264 Ms. Flynn replied that that could be a request of the Board or something to note in terms of the
265 phasing. Those would be reasonable comments to make.
266
267 Mr. Berry asked if the ZBAs purview also includes infrastructure and support, noting that a lot
268 of residents have voiced concerns regarding traffic and the infrastructure.
269
270 Ms. Flynn replied that the ZBAs purview is everything. She noted that Queen Anne Road is
271 already heavily trafficked. The ZBA must maintain that the purview can't be about Queen Anne
272 Road, it must be more about the internal traffic layout and site design.
273
274 Ms. Flynn emphasized that the concerns be focused on public safety, public health or
275 environmental impacts. She asked that comments be sent to her within the first week of June.
276 Her intent is to get them to the applicant by June 11th to give them a week before the next
277 meeting to review. She will bring her letter to the ZBA, to the next Planning Board meeting for
278 review.
279
280 Board members discussed Anassis Way, the ancient way, its history and its significance to the
281 area.
282
283 Ms. Flynn noted that if the public hearing is continued to a third night, she will have a location
284 identified. She will also send an extended schedule of what is coming up for the Board.
285
286 Mr. Munns noted that he had been looking at the Town website, at the Local Planning
287 Committee (LPC) and referred to a definition in the overview. He asked if there were instances
288 when the LPC had been advisory to the Planning Board.
289
290 Mr. Berry replied that the LPC has sent reports and documentation to the Planning Board.
291
292 Ms. Flynn noted that the LCP is the purview of the Planning Board. The Planning Board is
293 required to have a public meeting prior to Town Meeting and make a recommendation to Town
294 Meeting to support the plan. She commented that she has tried to give that information to the
295 Board and be the line of communication between the two Boards.
296

Mr. Munns commented that if the LCP is the purview of the Planning Board, he doesn't feel he has been very involved and would not be able to answer questions about the content. He noted that if it is the purview of the Planning Board, he doesn't feel eleven other people should be doing the work.

Ms. Flynn noted that the LPC was appointed by the Select Board which came with the approval of the Planning Board.

Mr. Munns suggested that the Planning Board make it clear that they aren't directly developing or directly involved in developing what is going to come out of that process.

Mr. Berry responded that he thinks that is the de facto reality.

Ms. Maslowski noted that the LCP doesn't get approved without the Planning Board's approval.

Mr. Berry noted why he will be presenting an appendix that he feels belongs in the appendix of the LCP. He added that there is a lot of qualitative research that the LPC is missing out on.

Ms. Flynn noted the extensive community outreach as well as community input sessions and monthly meetings they have had to create a final work product.

VII. ADJOURN

Ms. Maslowski moved to adjourn. Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary