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**MEETING MINUTES
HARWICH PLANNING BOARD
CULTURAL ARTS MUNICIPAL BUILDING
204 SISSON ROAD, HARWICH, MA-AUDITORIUM
TUESDAY, JUNE 10, 2025 - 6:30 PM**

RECEIVED
TOWN CLERK
HARWICH, MA

2026 AUG 18 A 11:35

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

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, June 10, 2025, at the Cultural Arts Municipal Building, 204 Sisson Road, and read the Open Meeting Law Notice.

I. OPEN MEETING:

Mr. Berry declared the meeting open at 6:32PM.

II. PLEDGE OF ALLEGIANCE:

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

Mr. Berry started the meeting with Case #PB2025-16.

III. PUBLIC HEARING:

a. Continued Public Hearing from May 13, 2025, for Case #PB2025-11 SS HPORT LLC, Robert C. Demarco, Manager, 1 Campanelli Drive, Braintree, MA 02184 through their agent, Marian Rose, Esq. of Singer & Singer Law Office 26 Upper County Road, Dennis, MA 02639 seeks approval for a multifamily Special Permit and Site Plan Review Special Permit with request for waivers. The proposed project is to construct a 28-unit multifamily structure and reconfigured parking. The application is pursuant to the Code of Harwich Sections s325-51, s325-55 and MGL Chapter 40A sections 9 and 11. The property is located at 606 Route 28, Assessor's Map 14 Parcel Z18-2 and the parcel is approximately 76,226 square feet. The parcel is in the Commercial Village (CV) and Residential Low Density (RL) Zoning Districts and within the Village Commercial Overlay District (VCOD)

Mr. Berry read the continued Case #PB2025-11 as presented.

43 Ms. Flynn noted that the packet contains an updated Staff Review as well as a list of updated
44 public correspondence. The applicant has PowerPoint presentation slides as well. The
45 applicants also submitted a substantial update to their renovation site plans, landscaping plans,
46 lighting plan as well as elevation plans in addition to architectural renderings that were part of
47 the packet that was submitted by the applicant.

48 Ms. Flynn ran through a brief overview of the slides for the purpose of this meeting. The slides
49 showed the Town of Harwich, downtown Harwichport and the location of the project. She
50 showed the existing site, existing conditions and the proposed Development Plan which she
51 described. She noted the compliance of parking requirements and site coverage. Also shown
52 and described were the Elevation Plans, Landscape Plans and Site Lighting Photometric Plan.
53 Ms. Flynn noted that VHB, who had done a storm water and drainage peer review, commented
54 that the applicants had responded to and addressed their concerns. She noted that Michael
55 Santos is present to talk about the parking and traffic layout.

56
57 Michael Santos of VHB was present on behalf of the town to discuss the traffic and
58 transportation focus peer review. He described what the peer review consists of the March
59 20th traffic study as well as the transportation elements of the site plan. He noted that their
60 comments had been submitted in a letter dated May 20th and that the applicant responded to
61 those comments on June 4th. Mr. Santos reviewed the peer review, the comments and
62 concerns that VHB had submitted and the applicants' responses to those comments and
63 concerns.

64
65 Ms. Maslowski noted that one of the waivers that the applicant is requesting is a reduction in
66 the size of the parking spaces. She asked Mr. Santos if there were any concerns regarding that.
67 reduction.

68
69 Mr. Santos responded yes, which is why VHB had asked the applicant to provide emergency
70 vehicle turning radius. He noted that although it is a little tight, the vehicles can maneuver in
71 and out of spaces.

72
73 Ms. Maslowski noted that the DOT (Department of Transportation) needed to approve the
74 entrance. She noted that they are disbanding the entrance that currently exists and moving it
75 east which is a relatively new entrance for that location. She asked Mr. Santos if he had any
76 concerns about the entrance being moved further down.

77
78 Mr. Santos replied that as long as the safety requirements are met and there is enough
79 stopping sight distance, he does not anticipate any other issues.

80
81 Mr. Berry noted that there are four issues outstanding. One is the Fire Department sign-off and
82 the site lines which he feels are in conjunction with Mass DOT's conditioning of the driveway
83 access. He also noted issues with the sidewalk on the north side of Route 28. He asked for input
84 on those issues.

Mr. Santos replied that it is his understanding that the Mass DOT project is putting a sidewalk on the south side. He was unsure of the process to have a north side sidewalk incorporated into the Mass DOT project.

****Noted-There were technical and audio issues at this time. ****

Ms. Tucker referred to page 9 of Mr. Santos' report (desktop review) and noted that the east side is a problematic area regarding sight lines and speed. She does not feel that a desktop review is as robust as a visit to that area.

Mr. Santos replied that there was a site review visit done but he had not visited the site. He noted that the sight distance requirements are based on the vehicles' speed and he explained the calculations.

Ms. Tucker noted that there is a curve adjacent to this property and that it is a dangerous intersection.

Mr. Santos replied that he had expressed concerns to the applicant regarding the speed and sight lines. He had not received a response to those concerns.

Ms. Tucker requested some calculations for a classic left turn on Route 28 in the summer from that entrance as proposed.

Marian Rose, Esq. of Singer & Singer identified herself for the record, noting that she is representing SS HPORT, LLC, Campanelli for this project. She gave an overview at the May hearing; she explained the legal standards and that they believe they have met those standards for this project. She also noted that both the public and the Board members had made comments and that she will show how the applicant responded. Atty. Rose listed and introduced those present to respond to the peer review comments and concerns.

Garrett Horsfall of Kelly Engineering showed slides and described the size and location of the lot. He showed and explained the Existing Conditions Site Plan and the Proposed Development Plan. Mr. Horsfall described modifications which had been made to parking spaces and noted the addition of a shed. Mr. Garrett referred to the three waivers they are requesting and showed the Proposed Development Plan and the need for those waivers. He noted that the Fire Department was present at the last meeting and had confirmed that there were no issues with the apparatus on the site. He offered to get a formal letter from the Fire Department if it is requested by the Board. Mr. Horsfall showed the Drainage and Utility Plan and explained the minor modifications that had been made as well as the outstanding issue of adding a crosswalk.

Brian Yergatian, Professional Engineer with BSC Group showed slides describing the Septic Plan and the proposed septic system. He described the location of the septic system and the Town of Harwich's regulations and requirements as well as the State's Environmental Codes and Title

5 requirements. He described the proposed system in detail noting the several components and its nutrient removal capabilities, which he described in detail. He noted that the system requires a 10 x 10 shed, what is houses, concerns about noise and odor and how those concerns are addressed.

Kirsten Braun, Traffic Engineer for the project with Chappell Engineering gave a summary of the change of intensity comparing the existing Sundae School and the Proposed Development. She focused comparisons on traffic and sight distances requirements. Ms. Braun noted that they will be submitting a highway access permit to the DOT for the design of the driveways.

Russ Dion, professional architect and partner at Campanelli showed a slide of the Landscape Plan, noting and describing the changes made since the May meeting. Mr. Dion discussed the Site Lighting Design Change and described the changes in detail. He described the slide showing the Site Lighting Photometric. Mr. Dion noted that the Board had previously requested a 3D model. They were able to get a 3D animation which provided architectural detail to the building. He showed the 1.5-minute video twice.

Mr. Berry commented that it is a 16x9 ratio on one monitor and a 4x5 aspect ratio on the other. He noted that what they are seeing is congruent to what the applicant's plans are. He asked if adjustments could be made to the aspect ratio.

Mr. Berry stated that they will play the video twice with the proper aspect ratio so it can be viewed in the way the plans have been submitted and not as the way they've been distorted.

Mr. Dion stated to Mr. Berry that they will work on the aspect ratios prior to the next hearing and show it again.

Mr. Berry noted the artist's rendering, commenting that looking at what is submitted to the Board versus what is being projected, there is considerable distortion. He wants to ensure that the public gets to see what the Board is seeing and the Board gets to see the applicant's intent. He suspended the modeling and continued with the presentation.

Mr. Dion continued with the Architectural Elevation slides noting the changes from the original packet. He showed the Artist Rendering from Main Street and Bank Street in different directions.

Atty. Rose noted that the applicant is asking for two Special Permits, the Multi-family Use Special Permit and the Site Plan Review Special Permit. She noted that, regarding the Multi-family Use Special Permit, the project meets the required criteria which she listed. She also noted the requirements for the Site Plan Review Special Permit and the four findings for the Board. She noted how the applicant believes they have conformed to the requirements. The height of the buildings had been reduced, and she showed slides depicting the heights. The proposed Plan will not adversely affect the neighborhood. The site is an appropriate location for the use as developed and showed a comparison to the Melrose. Atty. Rose noted that there

is no nuisance or serious hazard to vehicles or pedestrians and referred to the traffic study. She noted the By-Right alternate set such as a restaurant use that could be proposed for this area could be more of a nuisance to the area than this condominium unit. She emphasized the parking is at a premium in the Village, and they have developed the project so there is enough parking for visitors as well as residents. Atty. Rose noted that, to the extent possible, they have reached out to neighbors, listened and tried to make changes where they could to both structure and how they operate. Atty. Rose closed by emphasizing that they met the standards for multi-family use and the standards for a site plan review with quotes from members of the community who spoke at the last meeting, which she read. She noted that the applicant believes that the design is not averse to the neighborhood, it is designed in a way to function well and creates no hazard to pedestrians or vehicles. She commented that they are interested in hearing comments and ready to answer questions.

Ms. Maslowski thanked Atty. Rose for the height reduction and reaching out to the neighbors. Regarding the septic, she asked what the timeline is expected to be for the Board of Health approvals.

Mr. Yergatian replied that their plan is to file by the end of the week. He was unsure of the next available meeting date but expects it to be within 3-4 weeks.

Mr. Berry asked if he heard that there are only about 50 of the cleansing units in use.

Mr. Yergatian replied yes that there are approximately 50 on Cape Cod.

Ms. Maslowski pointed out that if and when they vote on this, these questions relate to what the conditions would be.

Atty. Rose questioned another camera towards the back. An unidentified person responded that they were from Channel 7 News and will not use the meeting footage if they are not allowed to.

Mr. Berry stated that, at the beginning of the meeting, he said that if anybody wanted to record it, they could stand up and announce it to the Chair so they could get approval of the Board. Because they were not present for that announcement, they are not permitted to use that recording.

The Channel 7 representative replied that they will not use the recording.

Mr. Peterson commented that Ms. Maslowski had voiced his questions and concerns.

Ms. Tucker noted that the intersection of Route 28, Freeman and Snow Inn is listed as one of the top five crash clusters and gives the Mass DOT data from the Safety Council's Report. She also noted that the Harwich Safety Council is currently meeting and the topic of the corridor

215 Route 28 is on their Agenda. Ms. Tucker also noted that she had attended a public meeting held
216 by the applicant. She referred to transaction data taken from the Sundae School last July and
217 asked when the project was first imagined?

218
219 Ms. Braun responded that it wasn't traffic data, it was a comparison done in July, it was a
220 comparison of three weekdays and parking occupancy and quantified a general number of trips
221 associated with the Sundae School (data they pulled from records of the store sales). When
222 they did the study in February, the Sundae School was closed so they were unable to collect
223 actual count data.

224
225 Ms. Tucker referred to the reduction of the height and asked what had changed inside the
226 buildings and asked their intentions.

227
228 Mr. Dion responded and explained what changes had been made to enable them to reduce the
229 height of the buildings including the reduction of ceiling height. He responded that they made
230 these changes in response to public and the Board's feedback.

231
232 Mr. Munns questioned the math of the changes inside to the height of the building. He also
233 asked how much excavation will be done to accommodate underground parking and where the
234 water table is in that area.

235
236 Mr. Dion responded that they are not calculated as Mr. Munns had described and offered to
237 provide the Board with a wall section. He also responded that they would have to grade
238 roughly 10 feet below the first floor for the parking garage. He noted that they had done testing
239 and the water table was below 5 feet. He added that their engineering scientist will do
240 extensive drilling and testing which he described.

241
242 Mr. Munns referred to the width of the driveway, noting By-law requirements and that the
243 applicant is required to explain to the Board why they are .60 of a foot wider than the code
244 requires. He also asked that the topic Open Space be addressed.

245
246 Mr. Dion responded that it is driven off the Mass DOT's 30-foot radii requirement. He
247 responded that the project complies with Zoning regarding the Open Space and described the
248 open space as actually being more than the calculated 72%.

249
250 Atty. Rose added that this proposal is about 2,500 square feet more than the actual site
251 coverage for the Sundae School. She commented that regarding the open area, there is a
252 discretionary requirement under the multi-family By-law and noted areas that comply.

253
254 Mr. Berry asked for clarification on the rental durations.

255
256 Atty. Rose responded that their intent is to avoid week-to-week Air B&B rentals and gave an
257 example of how the conditions would be drafted.

Robert Demarco responded that as they deed over the units and sell them, they will put a deed restriction on the rental unit for a minimum of two months, twice a year.

Ms. Tucker noted to the public that that is a deed restriction and the Town of Harwich does not enforce this. That is left up to the yet-to-be-formed HOA (Homeowners Association). She noted that from experience, it is almost impossible to monitor and enforce.

Ms. Maslowski noted that a deed restriction is a stronger restriction than HOA docs or condo docs that can be changed at a later time.

Mr. Berry invited the public to speak, requesting that each state their name and address.

Mary Nunan of 76 West Tupelo commented that the monstrosity of the structure is out of tune with the rest of the town. She expressed her dislike of the project and explained her reasons. She emphasized that it doesn't fit with the Cape Cod nature of Harwichport.

Pamela Braunsward of 601 Route 28, Melrose. She noted that she had signed in as an abutter but had never heard from the applicant. She expressed the concerns of the residents and that the Melrose is being used as a comparison with incorrect information, which she explained in detail.

Brian Northern of 626 Route 28 commented that the project does not reflect what Cape Cod houses are and that it doesn't belong here.

Deborah Giso of 13 Robert Tasey Road requested that the Board refer to a project of this magnitude to the Cape Cod Commission, considering the effect on the surrounding neighborhoods, for a DRI (Department of Regional Impact) Review.

Mr. Davis of Bridgeport Rock, who spoke at the last meeting, presented a letter with 150 signatures to the Board, in opposition to the project. He expressed his opposition regarding the size, the proximity to the street and the effects on the neighborhood.

Paul ____ of 15 ____ Road commented positively on the Campanelli Company, that they have made major modifications for the community and the Board. He noted the restrictions they have complied with and expressed that this is housing that Harwich needs. He also noted that the project is in the appropriate Zone and that it will not be a traffic problem.

Barbara Nickerson of 617 Route 28, commented on the Board's description of the adverse effects on the neighbors. She listed her reasons that the project will have an adverse effect. She also noted that the permits were not requested for the CV Overlay District and the project does not follow zoning requirements. Ms. Nickerson read into the record from the draft of the Local Comprehensive Plan: Review, evaluate and consider revising the two family, multi-family

and mixed-use Zoning By-law with the aim of incentivizing density development opportunities as appropriate in exchange for affordable and attainable housing. She commented that this project does not include affordable or attainable housing.

Diane Coulter of 93 Bank Street confirmed with the Board that if this multi-use permit is granted, Campanelli would be required to follow exactly their plans as presented. She commented that the property is enormous and not in keeping with the style and character of other buildings in town. She read from Zoning By-law, 325-51, noting how the project will adversely affect her property and the properties of the abutters. She noted her requirement to file with the Harwich Historical Commission to make changes to her house and that this structure does not fit in with the historical structures in the area. She requested that the Planning Board deny the applicant's request for Special Permit and waivers and ask them to design a smaller, more appropriate project.

Bob Nickerson of 617 Route 28 stated facts about the Town of Harwich noting the two cultural districts, the statutory language for those districts and a list of historical buildings in the area of the proposed project. He commented on the negative effects the project will have on the neighborhood and suggested a smaller project that fits in with the neighborhood. Mr. Nickerson also noted that the project's level of revenue contribution is 0.02%. He also noted that the limits on rentals could be modified by future condo associations. He questioned how the town could trust an agreement when the applicant is going to sell the condos and no longer owns the property. He also commented that this project is about greed, not need.

Marnie Bate of Melrose commented that she knew of no Melrose residents who had been approached by the applicant, on the definition of adverse and the design of the Melrose. She emphasized the line of sight at the dangerous corner.

Matt Sutphin of Lexington Drive suggested that this Planning Board may not want to be the Board that creates the first low grade parking space in Harwich. He noted concerns regarding a parking garage and the drainage system for a parking garage which would mean a greater than ten-foot excavation. He asked that the Board put a fine pencil on whether they want to urbanize Harwich by advocating and creating the first below-grade parking.

Peter Gorey of Sisson Road suggested that the Board focus on the arguments for and against mixed use in the downtown Harwichport District. He commented that the proposed site is a bad site for retail and gave his reasons. He commented that this project is the lowest and worst use of this property. He cautioned that if this becomes a residential apartment project the neighbors should support it, if it were to change to a rental, workforce housing and anyone opposes it, they don't understand the Cape's situation.

Matt Sutphin suggested that if the Board does not pass the underground car park, the footprint would have to shrink to accommodate the parking.

Richard Waystack of 565 Route 28 corrected a previous speaker and stated that there has been underground parking at the Belmont for years. Mr. Waystack clarified comments regarding housing in Harwich and read data from 6:00PM that evening, noting the number of houses on the market in Harwich, that 64% are listed at over \$1 million and that the numbers are unsustainable. He also commented on the changes that have taken place in Harwich over the years and commended the Planning Board for conducting hearings, hearing opinions, trying to find the facts and trying to find the law. He noted that the Assessor's gave \$450,000 in tax rebates to people who are struggling in the community and expressed that housing is needed. He urged the Planning Board to follow the law and to follow the criteria. He also noted that the Planning Board is not the design review committee.

Mr. Carver of 736 Harbor Road commented that the need for housing doesn't mean they should accept housing they don't want. He commented that this project does not go with other buildings on Cape Cod.

Mr. Berry asked online participants if they wanted to comment. No participants responded.

Robert Maternick of 29 Sterling Road noted that in the 1500 square foot house that he just built, he was allowed one bedroom. He compared that to the 75,000 square feet of the project property with a proposal of 66 bedrooms.

Ms. Maslowski asked if the applicant had an idea of the next best meeting date for a continuance, considering the follow-ups and requests.

Mr. Berry noted that the meeting could be held on July 8th at the same location.

A motion was made and seconded to continue the hearing until July 8th.

Voter: 7:0 in favor. Motion carried unanimously.

IV. PUBLIC MEETING:

CASE #PB2025-16 The Town of Harwich, Town Administrator requests a waiver from Site Plan Review Special Permit pursuant to Harwich Code Section 325-55(F). The Whitehouse Field Press Box's existing second story deck is proposed to be removed and replaced with a larger deck for the same purposes to observe and to film baseball games. There will be no changes to the existing building. The purpose of the project is to remove an existing second-story deck (10'x10') to be replaced with a (14'x16') exterior deck. The application is pursuant to the Code of Harwich Sections 325-51 and 325-55) F) and MGL Chapter 40A Section 9. The location is 83 Oak Street, Harwich, MA Assessor's Map 50 Parcel E5-0. The property is in the Rural residential Zoning District.

Mr. Berry read Case #PB2025-26 as presented.

387 Ms. Flynn stated that as part of PB2025-16, the project is to expand the exterior space of the
388 Harwich Press Box for the Harwich Mariners. The trigger for Site Plan Review is an expansion of
389 exterior space whether it's a municipality or an educational facility. She had been given the
390 location of the deck as well as the purpose. Ms. Flynn recommended that the waiver be
391 granted as requested by the Town Administration.

392

393 Mr. Berry asked questions from the Board and the public. There were none.

394

395 Mr. Peterson moved to close the Public Hearing. Seconded by Ms. Maslowski.

396

397 Vote: 7:0 in favor. Motion carried unanimously.

398

399 Ms. Maslowski moved that the Planning Board vote to grant a waiver of site planning for
400 PB2025-16 based on the following: In the opinion of the Planning Board the application does
401 not substantially change the relationship of the structure to the site and the abutting properties
402 and structures. Based on those facts, Ms. Maslowski moved to grant the Waiver of Site Plan
403 Review and allow the application as presented. Seconded by Mr. Peterson.

404

405 Vote: 7:0 in favor. Motion carried unanimously.

406

407 **V. NEW OR OLD BUSINESS:**

408

409 **VI. TOWN PLANNER UPDATE:**

410 A. Local Comprehensive Plan Update

411 B. Pine Oaks Village IV Update

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413 **VII. ADJOURN :**

414

415 A motion to adjourn was made and seconded.

416

417 Vote: 7:0 in favor. Motion carried unanimously.

418

419 Meeting adjourned.

420

421 Respectfully submitted,

422

423 Judi Moldstad

424 Board Secretary,

425

426

427