

2026 AUG 18 A 11:30

lies in the Commercial Village, Residential Low Density, and Village Commercial Overlay Districts.

Mr. Berry read the agenda item.

Town Planner Christine Flynn presented an overview of the revised plans and project compliance with zoning and regulatory standards. Her key points included:

- Compliance with minimum lot size, setbacks, height, and landscaping requirements.
- 66 parking spaces proposed: 40 underground and 26 surface spaces.
- Native landscaping revisions made per Conservation Agent recommendations.
- Additional lighting installed near ADA spaces as recommended by the Building Department.
- Short-term rental restrictions added to limit occupancy to minimum 60-day terms, no more than twice per year.
- EV charging stations relocated closer to garage entrance per Fire Chief feedback and may be moved to surface lot pending state review.
- Applicant submitted 9-day traffic counts showing reduced volume under proposed residential use compared to existing commercial operations.
- Revisions to septic and stormwater systems underway following Board of Health feedback.

Attorney Marian Rose presented on behalf of the applicant. She outlined reductions in building height and footprint, improvements to stormwater planning, adherence to fire safety recommendations, and legal conformity of site coverage calculations under the zoning bylaw.

Traffic engineer Kristen Brown (Chappell Engineering) detailed the updated traffic study and comparison between the existing Sunday School/Ice Cream Shop use and the proposed residential use. Key findings included:

- Existing use generated approximately 900 daily trips; proposed use projected to generate fewer than 200 trips/day.
- Majority of trip reduction expected during peak summer hours.
- MassDOT coordination will be required for driveway access, sightline improvements, and potential sidewalk extension.

Michael Santos (VHB) confirmed peer review findings and emphasized MassDOT coordination on both vegetation trimming and sidewalk installation. He concurred with the applicant's traffic count findings and supported the overall traffic reduction analysis.

Public Comment

Bob Piantedosi stated that the bylaw requires housing to be "suitable, sustainable, desirable, and in character with the area." He described that the proposed project does not meet these criteria.

86 Robert Cohn raised concerns about the scale of the building, warning that its proximity to The
87 Melrose would result in a 400-foot stretch of oversized buildings dominating a neighborhood of
88 historic homes. He stressed that the “look and feel” of the neighborhood is a key reason why
89 many residents chose to live in Harwich Port.

90 Barbara Nickerson described the proposed visual presence of the building and urged board
91 members to consider the enduring impact of its construction.

92
93 Bob Nickerson argued the project will adversely affect the neighborhood, particularly due to
94 the scale of the planned rooftop patios (1,200–1,300 sq ft), which he estimated could
95 accommodate 25–50 people.

96
97 Rita Kyriakides stated her concern that there would be after-wedding rooftop parties and
98 questioned the enforceability of the condo association’s rental rules, particularly if unsold units
99 are converted to rentals.

100
101 Matt Sutphin criticized the use of underground parking, suggesting it artificially increases
102 allowable building coverage. He also raised environmental concerns, citing nearby construction
103 that encountered wet, coarse sand and warning of potential water table conflicts and spillage
104 risks.

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106 Russ Dion, architect for the developer, clarified there would be a 3–3.5 foot buffer between the
107 garage floor and the water table.

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109 Carol Novak asked the board what guiding principles they would use to evaluate the project.

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111 Mr. Berry said the board uses the zoning bylaw, though acknowledged ambiguities in language
112 require them to listen carefully to the public.

113
114 Laura Donnelly asked how the Local Comprehensive Plan (LCP) fits into the process.

115
116 Ann Clark Tucker explained that the LCP is a guidance document for the Harwich and that the
117 current draft is not yet adopted and thus cannot override the zoning code.

118
119 Jean Kelly questioned waiver requests on parking and entrance widths, suggesting that
120 removing underground parking would necessitate reducing the number of condo units.

121
122 Richard Waystack stated that there is a dire need for housing under \$1 million in Harwich, citing
123 that only 20 of 68 listings fall below that threshold. He expressed confidence the proposed units
124 would sell quickly and not become short-term rentals, citing The Melrose as precedent.

125
126 Planning Board members acknowledged the volume of public feedback and discussed the
127 project’s zoning compliance and qualitative neighborhood impact. The Chair reiterated the

Board's obligation to interpret zoning law within the framework of MGL and local bylaws, while considering community input.

Ms. Maslowski made a motion to continue the public hearing on Case PB2025-11 to August 26, 2025, no earlier than 6:30 PM. Ms. Clark Tucker seconded the motion.

The motion was carried unanimously.

V. TOWN PLANNER UPDATE:

a. Local Comprehensive Plan Update

Ms. Flynn noted that they are still progressing on the Local Comprehensive Plan (LCP) and they hope to have a final draft. 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.

VI. ADJOURN

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

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

Respectfully submitted,

Meg Salmon
Planning Assistant