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**MINUTES
HARWICH PLANNING BOARD
GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
TUESDAY, AUGUST 12, 2025 - 6:30PM**

RECEIVED
TOWN CLERK
HARWICH, MA

2025 AUG 27 P 3:09

MEMBERS PARTICIPATING: Duncan Berry, Chair, Emily Brutti, Allan Peterson, Ann Clark Tucker and Ann Newman

MEMBERS NOT PARTICIPATING: Mary Maslowski and Harry Munns

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

I. OPEN MEETING:

Mr. Berry called the meeting of the Harwich Planning Board to order on Tuesday, August 12, 2025, at 6:30PM and read the Recording Notice.

II. PLEDGE OF ALLEGIANCE:

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

III. PUBLIC HEARING:

a. Case # PB2025-17 Eliza Kendall, through their agent, Mark Dibb, P.E., Cape and Islands Engineering seeks approval for a Site Plan Review Special Permit with request for waivers. The proposed project is to construct a 4800 square foot prefabricated metal building for contractors' bays with access, parking and utilities. 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 103 Main Street Ext, Assessor's Map 55 Parcel N1-2 and the parcel is approximately 20,201 square feet. The parcel is in the Industrial Limited (IL) Zoning District.

Mr. Berry read Case #PB2025-17 as presented.

Mark Dibb of Cape and Islands Engineering was present and described the proposed project in detail including landscaping and stormwater runoff plans. He noted that they had received a peer review from VHB which he has responded to but that he also anticipates more correspondence.

Ms. Flynn read the details of the request for one waiver and proposed project. She noted the setback and minimum lot size requirements which have been met. Ms. Flynn noted the location of the property, Assessor's Map and Parcel. She noted that she had shared the applicant's packet with all Department Heads and had not received any comments of concern. She described the parking layout, the stormwater management and drainage and noted that the architectural renderings and building floor plans are currently being worked on. Ms. Flynn described the

signage, the dumpster location, adequate screening and a lighting plan. She recommended that the case be continued until the storm drain matter is resolved.

Mr. Peterson moved to continue Case #PB2025-17 to August 26, 2025, no earlier than 6:30PM. Seconded by Ms. Tucker.

Vote: 5:0 in favor. Motion carried unanimously.

b. Case #PB2025-19 Davenport Realty Trust, through their agent, Paul R. Tardif, Esq. seeks approval for a Multi-Family Use Special permit and Site Plan Review Special. The proposed project is to convert an existing commercial/office condominium structure into a 10-unit residential structure with no exterior changes to the building. 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 72 Route 2, Assessor's Map 19, Parcel F6 and the parcel is approximately 33,981 square feet. The parcel is in the Commercial Highway-1 (CH-1) and Residential Medium Density (RM) Zoning Districts and the West Harwich Special District (WHSD).

Mr. Berry read Case #PB20925-19 as presented.

Paul Tardif, Esq. was present with Christian Davenport, Vice President of Operations at Davenport Realty. Atty. Tardif described the proposed project in detail. He noted landscaping and changes to parking. He also noted that stamped site plans had been given to Board members. He also had some in his possession which he distributed.

Ms. Flynn noted the details of Case #PB2025-19 noting that there were no requests for waivers. Ms. Flynn noted that there were two letters submitted in opposition to the project. She noted that the plan was originally developed and had site plan review in 1986 noting the changes in the requirements since that time. She noted that they meet the dimensional requirements and use requirements for the zoning districts. She described the ADA improvements, parking spaces, a bike rack and landscaping and screening plans. Architectural renderings and building floor plans have been submitted. She noted that the applicant will be required to install a new septic system which will need approval by the Board of Health. She described the dumpster location and existing lighting. Ms. Flynn asked the applicants regarding the number of units, if there are restrictions on affordable or attainable housing and if their units will be year-round. She also asked if short-term rentals will be prohibited. Ms. Flynn noted that she has additional questions.

Atty. Tardif replied that they are not going to restrict any for affordable but based on the size of the units, he does not anticipate much difference between the market rate and the affordable rate. The units are not going to be restricted to year-round rental units, but they will probably not be anything but year-round rental units. Short-term rentals are not going to be prohibited but will not be sought after. He noted that there is room in the basement for individual storage areas for each of the tenants.

Ms. Flynn asked Atty. Tardif to elaborate on the storm water drainage system.

91
92 Mr. Davenport described the stormwater drainage system as it exists now.

93
94 Mr. Berry asked for comments from the public.

95
96 Lou Urbano of Riverside Drive, West Harwich, commented that he had not seen a comparison of
97 how this project and the Special District meld. He asked for a description of what the Special
98 District was and is over the years of development. He also suggested and requested that the
99 Board look at what the community wants and consider other developments that are being made.

100
101 Mary Albus of 77 Smith Street, West Harwich expressed concerns about the proposed
102 development which she described in detail. She noted that the West Harwich Village had been
103 designated a District of Critical Planning Concern (DCPC) and how this project goes against the
104 goals of the DCPC. She also expressed her concerns and asked that the Board consider the
105 broader and long-term implications of this project and protect what makes West Harwich Village
106 and Cape Cod so special.

107
108 Sally Urbano of West Harwich noted that she attended the Local Comprehensive Plan (LCP)
109 meeting noting that they suggest housing be dispersed throughout the town and that the number
110 one concern is that Harwich maintains its village character. She requested that the Planning
111 Board deny the application and described her reasons in detail. She urged the Board to support
112 the town's own vision and not the Davenport vision.

113
114 Helen Baker of 94 Route 28 in West Harwich gave a brief history of her property and the West
115 Harwich Village. She noted the current number of housing units as well as the number of
116 proposed housing units. Ms. Baker described what she feels a Village should include to
117 celebrate its history.

118
119 Allen Longton of 9 Bells Neck Road expressed his opposition to the proposed project and
120 described his reasons in detail noting that it is over densified.

121
122 Marie Gunnerson of 9 Bells Neck Road expressed her opposition to the proposed project noting
123 over densification, parking, short term rentals and possible noise issues.

124
125 Mr. Berry noted that the Board is waiting on septic material and other issues and that the Board
126 has discussed continuance.

127
128 Ms. Flynn noted that a site plan with septic had been submitted that evening. She suggested that
129 the Public Hearing could be continued to allow the Board more time to review the renderings.

130
131 Ms. Tucker asked for more information about the West Harwich Special District, how it is
132 impacted by this project and what the guidelines are for the Planning Board.

133
134 Ms. Flynn replied that she will supply that information for the Planning Board.
135

136 Ms. Brutti requested a more definitive proposal on the recreation space.

138 Mr. Berry also noted concern over the 40 parking spaces.

140 Ms. Flynn requested additional landscaping and soft scape to be provided by September 9th.

142 Ms. Flynn noted that the site plans are available on the town's website and new documents will
143 be posted once received.

145 Atty. Tardif clarified that Davenport Realty does not own the church that some speakers had
146 referred to.

148 Mr. Peterson moved to continue Case #PB2025-19 to September 9, 2025, no earlier than
149 6:30PM. Seconded by Ms. Brutti.

151 Vote: 5:0 in favor. Motion carried unanimously.

153 IV. PUBLIC MEETING:

154 a. Case #PB2025-22 John McElwee, P.L.S., Cape & Islands Engineering, Inc., agent for
155 Mid Cape Church Homes, Inc., seeks an Endorsement of an ANR (Approval Not
156 Required) Plan entitled "Land Division Plan" by Cape & Islands Engineering - John
157 McElwee PLS No. 33602 dated 07/22/2025 for the property at 99 Queen Anne Road,
158 Assessor's Map 57, Parcel H1 in the Residential Low-Density (RL) and Industrial
159 Limited Zoning Districts. The applicant has asked for an extension to August 26, 2025.

161 Mr. Berry read Case #PB2025-22 as presented.

163 Mr. Peterson moved to continue Case #PB2025-22 John McElwee, P.L.S., Cape & Islands
164 Engineering, Inc., agent for Mid Cape Church Homes, Inc. to August 26, 2025, no earlier than
165 6:30PM. Seconded by Ms. Tucker.

167 Vote: 5:0 in favor. Motion carried unanimously.

169 b. Case #PB2025-20 Eastward MBT, LLC, Trustee of the Eastward Homes Business
170 Trust, Susan Ladue have requested a Release of Covenant for the #16 Turtle Run, Lot 3,
171 Assessor's Map 63, Parcel C7 in the Residential Rural (RR) Zoning District. The
172 definitive subdivision Case was #PB2022-12 and Lot 1, 2 and 5 were released in
173 #PB2022-12. Lot 4 was released in Case #PB2024-12.

175 Mr. Berry read Case #PB2025-20 as presented.

177 Susan Ladue of Eastward Companies participated remotely and described the request in detail.
178 She noted that the final plan had been submitted and there are a few things that are still being
179 worked on. Ms. Ladue also noted that there was \$6,000 to complete those items.

181 Ms. Flynn noted that VHB has had conversations with David Clark, the applicant's engineer.
182 Ms. Flynn recommended a vote to provide a full covenant release for Turtle Run. She noted that
183 the applicant has offered to provide \$6,000 to cover the remaining work.
184

185 Mr. Peterson moved on Case #PB2025-20 Eastward MBT, LLC, Trustee of the Eastward Homes
186 Business Trust, agent Susan Ladue request to Release of Covenant for the #16 Turtle Run, Lot 3,
187 Assessor's Map 63, Parcel C7 in the Residential Rural (RR) Zoning District. Seconded by Ms.
188 Tucker.
189

190 Voter: 5:0 in favor. Motion carried unanimously.
191

192 Ms. Flynn requested the signatures of Board members.
193

194 **V. TOWN PLANNER UPDATE:**

- 195 a. Pine Oaks Village IV - Request from Zoning Board of Appeals
- 196 b. Local Comprehensive Plan Update
- 197 c. Registry of Deeds Request for Planning Board member Signatures
198

199 Agenda items will be addressed to a future meeting.
200

201 Ms. Flynn noted the reasons for the requests by the Chair of the Zoning Board of Appeals.
202 She also noted that Board members who are not present may utilize the Mullen Rule if they
203 would like to participate in the next meeting.
204

205 **VI. ADJOURN**
206

207 Mr. Peterson moved to adjourn. Seconded by Ms. Tucker

208 Vote: 5:0 in favor. Motion carried unanimously.

209 Meeting adjourned.
210

211 Respectfully submitted,

212 Judi Moldstad

213 Board Secretary
214
215
216

