

**MEETING MINUTES
HARWICH PLANNING BOARD
GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
TUESDAY, SEPTEMBER 9, 2025 - 6:30PM**

**RECEIVED
TOWN CLERK
HARWICH, MA**

2026 AUG 27 P 3:09

MEMBERS PARTICIPATING: Duncan Berry, Chair, Emily Brutti, Harry Munns, Allan Peterson and Ann Newman

MEMBERS NOT PARTICIPATING: Mary Maslowski and Ann Clark Tucker

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, September 9, 2025 at 6:33PM 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. Continue Public hearing from April 22, 2025, May 27, 2025, June 24, 2025-Administrative Continuance, July 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 of Harwich Section 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-1 and the parcel is approximately 136,778 square feet. The parcel is in the Commercial Highway 1 (CH-1) and Residential High Density (RH-1) Zoning Districts.

*** Applicant Requests to Withdraw Without Prejudice**

Mr. Berry read Case #PB2025-09 as presented.

Mr. Peterson moved to accept the applicant's request to withdraw without prejudice. Seconded by Ms. Newman.

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

b. Continued Public Hearing from August 12, 2025 Case #PB2025-19 Davenport Realty

Trust, through their agent, Paul R. Tardiff, 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 multi-family residential structure with no exterior changes to the building. The application is pursuant to the Code of Harwich Sections s325-51, s32555 and MGL Chapter 40A sections 9 and 11. The property is located at 72 Route 28, Assessor's Map 10 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 #PB2025-19 as presented.

Attorney Paul Tardiff was present and representing the Davenport Companies. He described the proposed project in detail. He referred to concerns previously expressed by abutters and addressed some of those concerns, focusing on the number of one-bedroom units, outdoor lighting, the zoning requirements for multi-family housing and how their plan relates to the Town's Housing Development Plan. Atty. Tardiff noted the changes to the previous plan which he described in detail.

Matt Kelley, President of the West Harwich Office Park Association gave a brief history of the building involved in the project and how it was used by the owners and tenants. He spoke in favor of the project, giving his reasons in detail.

Michael Ford, owner of one of the condo units in the building agreed with Mr. Kelley's comments. He also spoke of the DCPC and noted that the building not historic but can be converted into residential units and is consistent with the neighborhood. His comments were in support of the project.

Atty. Tardiff noted the use of the building and how it is in compliance with the Zoning Regulations. He noted that the applicant has met all the requirements of the Special Permit. Christine Flynn noted and described the changes to the applicant's plans. She also referred to the

West Harwich Special District Regulations and emphasized that 72 Route 28 is not identified as a historic structure and is within the West Harwich Special District Zoning Regulations. She emphasized the need for this sort of housing in town and on Cape and noted other positives to this project.

Lou Urbano of West Harwich expressed his opposition to the way the project is being presented, referred to the specific rules of the Special District, why they are in place and the vision for the Special District.

Sally Urbano of West Harwich spoke about the vision of the DCPC and suggested that this could be referred to the Cape Cod Commission to do a DCPC overview.

Karen Horne of West Harwich expressed her concerns and the need for year-round housing. Marie Gunderson of West Harwich expressed her concerns about the short-term rentals and other issues.

Maria Mahoney, abutter to the property, expressed her concerns about this and other projects, all within a small area.

Susan Stinson, one of the owners of 72 Route 28, spoke in favor of the project and gave her reasons in detail.

Donna Travano of Harwichport commented on the need for starter homes in Harwich. She spoke in favor of this project and gave her reasons in detail.

Kathy White of West Harwich agreed with previous speakers in opposition to the project. She noted the density in the area and the number of parking spaces.

Marie Gunderson commented that West Harwich needs year-round residents to be part of the community.

Mr. Berry opened the discussion to the Board.

Board members asked questions regarding the parking spaces and the mechanics of ownership from present owners to Davenport Companies which Atty. Tardiff answered.

Mr. Berry gave an explanation of a Special Permit and the Board's responsibility regarding a Special Permit. He expressed his concerns about secular growth patterns and referred the Local Comprehensive Plan and the Housing Production Plan. He commented on past and present data as well as doing further data and that it will affect the town's understanding of the housing issue.

He encouraged understanding and doing statistical analysis. Mr. Berry acknowledged the concerns about housing monoculture. He asked the applicant about the possibility of discussing negotiations regarding the rental restrictions and offered a description of a model. He asked that the applicant work with the Board to have the facade conform with the neighborhood. Atty. Tardiff requested time for discussion.

Mr. Peterson moved to recess for eleven minutes. Seconded by Ms. Newman.

Vote: 5:0 in favor. Motion carried.

Atty. Tardiff relayed what had been discussed, noting that the Davenport's business model is year-round rentals but explained the need for the 31-day rentals. Changing the exterior would take time which they do not have.

Mr. Peterson moved to close the public heard. Seconded by Ms. Brutti.

Vote: 5:0 in favor Motion carried unanimously.

Mr. Peterson moved to adopt the following findings of fact:

1. The applicant is Paul Tardiff, Attorney for Davenport Realty on behalf of the West Harwich Office Park Condominium Association President Mathew P. Kelley.
2. The subject property is 72 Route 28, Assessor's Map 10 Parcel F6
3. The subject property is located in the Commercial Highway-1 (CH-1) and Residential Medium Density (RM) West Harwich DCPC
4. The application for a Multi-family Special Permit and Site Plan Review Special Permit was filed with the Town Clerk on July 9, 2025
5. 72 Route 28 Site Plans by Tarja L. McGrail engineer civil number 47593 Tighe and Bond dated 4/14/25, revised date 7/1/25 and 9/4/25, stamped by Town Clerk 9/5/25.

Subsection

A. plan showing proposed site plan improvements sheet -101.

B- proposed system plan sheet C-102.

C- details sheet C-103

6. Multi-family Special Permit:

A. The building does contain three or more units with adequate entrances and bedroom sizes of 120 square feet.

B. The project is on town water.

C. The project meets the minimum required parking requirements.

D. The project does provide common outdoor space for tenants that is consistent with Multi-family Special Permit Zoning Regulations

E. The project shall comply with all Title 5 septic system requirements per the Board of Health.

7. In addition, the Board finds that the Site Plan Review:

A. The proposed change in use 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 serious hazard to vehicles or pedestrians.

D. Adequate and appropriate facilities will be provided for the proper operation

of

proposed use. This includes the provision for appropriate sewage treatment facilities, provide for denitrification when the permit granting authority

deems such facilities necessary for protection of drinking water, supply walls, ponds or saltwater embayments.

8. The proposed project is consistent with West Harwich Special District based on the following reasons:

- A. The property is not listed as a historic structure
- B. The change of use from commercial to multi-family is allowed as a special permitted use in the West Harwich Special District.
- C. The project is consistent with the smart growth land use principles and best practices for reuse of an existing building and the provision needed additional rental housing options for the community.
- D. The project is located along Route 28 public transit route as well as access for bicycle and pedestrian activities.
- E. The conversion from commercial to residential multi-family will reduce traffic and trip generation according to ITE trip generation rates.
- F. The project will be an overall economic development benefit to the businesses in the West Harwich Special District.

Seconded by Mr. Munns.

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

Mr. Peterson moved to approve the conditions, Case #PB2025-19, Paul Tardiff Attorney for Davenport Realty, 72 Route 28 for approval of Multi-family Special Permit and Site Plan

Review Special Permit pursuant to Section 325-51Q and Section 325-55 of the Codes of the Town of Harwich, a change of use for the property located at 72 Route 28 Map 10 Parcel F6 in the Commercial Highway-1 (CH1) Residential Medium and West Harwich Special District.

The decision is based on the findings of fact with conditions of approval:

- 1. The applicant is Paul Tardiff Attorney for Davenport Realty on behalf of West Harwich Office Park Condominium Association President Matthew P. Kelley.
- 2. Subject property is 72 Route 28 Assessor's Map 10 Parcel F6.
- 3. Subject property is located in Commercial Highway-1 (CH-1) Residential Medium in West Harwich DCPC.
- 4. The project is to convert an existing commercial building with 10 commercial condominiums into 10 residential apartments for year-round rental units, 8 one-bedroom apartments and 2 studios apartments. There will not be changes to the existing building's footprint.
- 5. The applications for a Multi-family Special Permit and Site Plan Review Special Permit was filed with the Town Clerk on July 9, 2025.

6. Site Plan 72 Route 28 Site Plans by Tarja L. McGrail engineer civil number 47593 Tighe and Bond dated 4/14/25 revised date 7/1/25 and 9/4/25 stamped by the Town Clerk on 9/5/25.

- A. Plan showing proposed site plan improvement sheet C-101
- B. Proposed Sewage System Plan Sheet-C-102
- C. Details sheet C-103

7. The proposed project does meet the criteria for Multi-family Special Permit, Site Plan Review

Special Permit and is consistent with the West Harwich Special District.

8. The project is on town water.

9. The project shall comply with all Board of Health requirements for approval pertaining to Title 5 septic system.

10. Special Permit shall not take effect until a copy of the decision bearing the certificate of the

Town Clerk that 20 days has elapsed since the filing of the decision and that no such appeal has

been filed or that 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. This 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 General Law Chapter 40A

Section 17 from the grant thereof if a substantial use thereof has not sooner commenced except

for good cause or in the case of 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.

Seconded by Ms. Newman.

Vote: 4:1 in favor with Mr. Berry voting against. Motion carried.

IV. PUBLIC MEETING

a. Review and Discuss Pine Oaks Village IV Comprehensive Permit-Draft Memo to

ZBA

Ms. Flynn distributed the site plan and road layouts for Pine Oaks Village IV and gave an overview of the project.

Bob Doane, Vice President of Mid Cape Church Homes and Pine Oaks Villages noted, in response to Mr. Berry question, that the end of phase 5 would depend on the funding cycle but will be at least 10 years.

Ms. Flynn noted the issues that the Zoning Board of Appeals (ZBA) is dealing with and what they have asked of other Boards. She noted what is being done regarding the traffic issues and gave examples of possible recommendations such as considering Annasis Road as another access

point. She gave an overview of the environmental impact concerns and what is being done regarding those concerns. Ms. Flynn also noted changes to the original plan including the changes of the day care center. She continued with more highlights of the meetings and will continue to keep the Planning Board updated. Ms. Flynn noted some of the benefits of this project to the Town of Harwich.

Board members asked questions about Pine Oaks IV which Mr. Doane answered in detail.

b. Adopt Draft Meeting Minutes August 12, 2025

Ms. Flynn had not included the Minutes in the packet. She also noted that she will be putting Minutes in several sets of packets until they are up to date.

Ms. Flynn gave an update on the September 23rd meeting noting that it will be held at the 204 Cultural Arts Municipal Building at 263 South Street. She also noted items on the agenda for that meeting.

V. TOWN PLANNER UPDATE

a. Local Comprehensive Plan Update

Ms. Flynn commented that she would like to invite members of the Local Comprehensive Plan

(LCP) to give an update at a future meeting. She gave an update on the LCP and gave an overview of the status.

b. Other planning business

Ms. Flynn gave an update on the Hazard Mitigation Plan.

Mr. Berry emphasized the importance of the Planning Board embracing what the public is saying

about the special permit applications.

VI. ADJOURN

Mr. Peterson moved to adjourn. Seconded by Ms. Newman.

Vote: 5:0 in favor. Motion carried. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary