

**MINUTES
TOWN OF HARWICH
ZONING BOARD of APPEALS
6:30PM THURSDAY, APRIL 24, 2025
TOWN HALL _ GRIFFIN ROOM**

RECEIVED
TOWN CLERK
HARWICH, MA
2025 JUN -4 AM 10:01

MEMBERS PARTICIPATING: G. Brian Sullivan, Chair, Alexander Donoghue, Clerk, Christopher Murphy, David Nunnally, Kenneth Dickson, John August and Tim Bailey

ALSO PARTICIPATING: Rachael Lohr, Zoning Compliance Officer and Christine Flynn, Town Planner

I. CALL TO ORDER; RECORDING NOTICE

As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the Chair.

Mr. Sullivan called the meeting of the Harwich Zoning Board of Appeals to order on Thursday, April 24, 2025, at 6:30PM. He noted the purpose of the meeting and read the Open Meeting Law Notice.

II. PUBLIC HEARINGS

Case No. 2025-21, Queen Anne Acres LLC, and Mid Cape Church Homes, Inc., d/b/a Pine Oaks Village Homes, P.O Box 1305, Harwich, MA 02645, has made an application for a Comprehensive Permit pursuant to MGL Chapter 40B Sections 20-23 and 760CMR 56.00, to construct 5 corridor buildings and five townhouse buildings consisting of 242 rental units. The property is located at, 0 Queen Anne Rd Map: 57 Parcel: C5, 55 Queen Anne Rd Map: 57 Parcel: C2, 57 Queen Anne Rd Map: 57 Parcel: C3, 0 Queen Anne Rd Map: 57 Parcel: C6, 99 Queen Anne Rd Map: 57 Parcel: H1, 0 Queen Anne Rd Map: 57 Parcel: H3, 0 Annasis Rd Map: 57 Parcel: H2, 0 Main St Map: 46 Parcel: M-10, 0 Main St Map: 47 Parcel: C1-4, 324 Main St Map: 47 Parcel: B1 and B1-0 and, and a Parcel that Fronts Queen Anne Road, according to the Town's GIS, the parcel is surrounded by the following: - Easterly direction abuts parcels 57C2, 57C3, and 57 C5 - Westerly direction abuts parcel 53 X3, 53 X3-A, 56 X2-3, and 56 X2-4, - Southerly direction abuts 56-W6. Located in the RL Zoning District.

Mr. Donoghue read Case No. 2025-21 as presented.

I. Opening Remarks by Chair

Mr. Sullivan noted that there will be a public comment period later in the hearing and gave sign-in instructions to those in person and online who would like to speak.

Mr. Sullivan gave his opening remarks. He gave a description and intent of Chapter 40B. Mr. Sullivan noted the Board's role in this hearing as well as their goals. He also encouraged the public to offer thoughtful input during the public comment section of the meeting and noted that there will be future meetings with specific topics on the agenda such as environmental and public

April 24, 2025

health. He noted the date and time of the next meeting as well as the topic to be discussed. Mr. Sullivan noted that this is the first of a series of meetings to be conducted over the next six months. He gave an overview of the proceedings at this meeting and emphasized that no decisions on this case would be made at this meeting. He noted other input such as a site visit and written comments. Mr. Sullivan noted the Board's goals and that their decision will be based on all relevant information and testimony.

Board members introduced themselves for the record.

Mr. Sullivan noted that Judy Barrett of Barrett Planning Group is participating remotely and that the Board of Appeals hired her, through Mass Housing Partnership, to be the Board's 40B consultant.

Ms. Barrett participated remotely and noted that she would be consulting with the Board on procedural matters during the hearing as well as technical matters, all are the board's discretion.

2. Presentation by Pine Oaks Village IV

Attorney Peter Freeman of Moriarty, Bielan & Malloy was present and representing the Applicant. He gave a brief summary of his experience with 40B's on the Cape. He introduced his team, Bob Doane, Vice President of Mid Cape Church Homes, Inc., Jim Perrine, Housing Consultant with Commonwealth Community Developers and Michelle Apigian of Icon Architects (who participated remotely) and Rich Claytor and Joe Henderson civil engineers from Horsley Witten Group. The traffic expert, Jeffrey Burke of Vanessa & Associates, Inc. was not present but will attend on June 18th for the discussion on traffic.

Atty. Freeman made his opening statements giving a brief history of the Applicant. He also noted what they, as a team, have done up to this point, working with the town and meeting with residents. He commented that the Select Board has told staff not to meet with them, but they will continue to talk and reach out as well as cooperate with the Board and Town Officials as they go through this process.

Atty. Freeman described the property and listed the plans that have been submitted. He noted the documents included in the application, a Project Eligibility letter from the Executive Office of Housing and Livable Communities (EOHLC) and requests for the waivers needed for the project. He referred to a chart showing the eligibility limits. He also referred to a chart showing the actual income limits for the various percentages and a chart showing the gross rents. He emphasized that the reason they are here is to address the issue of affordable housing.

Mr. Doane began the presentation with a history of Mid Cape Church Homes, how it began and projects it has completed in the past 50 years. He also noted how well the properties are maintained. Mr. Doane explained that housing was needed for all ages and that the State was giving funding priority to housing developments. He noted how they obtained the properties, that they applied for and obtained a letter of eligibility and will now present their plans. Mr. Doane gave a slide presentations noting the members of the Pine Oaks Village Homes (POVH).

Mr. Sullivan requested that during the slide presentation, the presenters refer to what page the information is on, in the Comprehensive Permit Application.

Rich Claytor, principal engineer in charge of this project, continued the presentation. He noted that the next slides are from the engineering plans. He showed a map of the nine parcels controlled by Pine Oaks Village and explained how each would be utilized. The next slide showed and explained the subdivision plan with 31.2 acres on 11 lots. Mr. Claytor proceeded to the next slide, showed and explained the phasing plan and each individual phase. Next was the overall development plan on a large scale.

Mr. Sullivan asked for the numbers of the houses on Main Street where the right of way/egress has been provided. He also asked if the egress on Queen Ann Road had been staked.

Mr. Clayton replied, 316 Main Street and 326 Main Street on parcel H. He showed the location on a map. He also showed their area between 37 and 55 Queen Anne for the egress.

Michelle Apigian participated remotely and gave a slide presentation beginning with Physical Resources of the area surrounding POV. She continued to a slide of examples showing the architecture of the buildings and a map of the entire area showing a wooded site. Her next slide showed the plan for compact development and open space which she described in detail. She noted the phases and number of units in each. Ms. Apigian showed a slide of the first phase which she described in detail. She showed a topology view of the entrance and the first two townhouses and another topology of the two town home buildings. Continuing, she showed a topology of the two lodge buildings, all of which she described in detail. Ms. Apigian showed typical townhouse and lodge floor plans. She noted the Green Certifications and Green Features.

Joe Henderson, Project Manager and Civil Engineer showed a rendered plan which is not included in the packet. He described each of the various areas in detail. He noted that they will be filing with Massachusetts Environmental Policy Act (MEPA) and Conservation. He noted facts of the site including the intended width of the roads and the number of parking spaces. Mr. Henderson noted existing Site Plant Communities and Wetland Resource Areas. He showed and described a slide of typical stormwater and wastewater management. He showed a blow up of the area of phases 4 and 5 with the proposed wastewater treatment plant. Mr. Henderson explained how they would address stormwater and the treatment of wastewater. He also noted landscaping goals and showed examples.

Atty. Freeman noted the end of the formal presentation and offered to answer questions.

Mr. Sullivan commented that there was an enormous amount of information in the presentation which the Board will need to review. He noted that future meetings will cover the major topics individually.

Mr. Dickson asked how many units are fully ADA accessible. He also asked how many of the 242 units are defined as affordable for the Subsidized Housing Inventory (SHI) List.

Ms. Apigian replied that it is 5% of the total which translates to 12 units ADA accessible.

The number of affordable units is 80% which is 193 units.

MHP Consultant to the Board, Judy Barrett participated remotely. She disclosed to the Board that her firm is, in addition to working with Boards, is a planning firm. One of their projects is Horsely Witten Group which is a subcontractor to her firm. She noted that she is not reviewing their work, she is present to be a procedural advisor to the Board. She disclosed that her firm has an existing working relationship with Horsely and Witten.

Mr. Claytor noted that all the units are ADA visitable.

Mr. Sullivan asked where this addition would take the Town's percentage of subsidized housing.

Atty. Freeman replied that all 242 units will count on the SHI List for the town.

Mr. Doane noted that it brings the Town's SHI List up to 8%.

Mr. Sullivan referred to recreational activities on the site and asked if facilities would be provided.

Mr. Claytor noted that there will be a Community Center as part of phase 3 that will include a playground. The two green space areas will be parklike settings with walking trails.

Atty. Freeman noted that there is no policy or reason for not wanting other people to use the trails other than liability issues. He noted that because of liability those trails would likely be restricted to the residents.

Mr. Sullivan asked if the childcare facility would be open to town residents.

Atty. Freeman replied that it would be on an as-available basis.

3. Discussion between the Board and Applicants regarding peer review requests

Mr. Sullivan asked Christine Flynn to discuss the peer review requests.

Ms. Flynn noted that as part of the Comprehensive Permit Process the Town has worked with VHB for doing a peer review. She noted that before the Board was a contract and a scope of work with a cost estimate for the transportation, stormwater as well as civil engineering aspects of the project. VHB was unable to do the Environmental Impact Assessment, wetlands, rare species and public health impacts. She is working with 3 other environmental firms and waiting for responses.

Mr. Sullivan asked if that contract is available for the public.

Ms. Flynn replied that that would be a question for the technical consultant.

Ms. Barrett noted that it is a public document, and she did not see any reason why it shouldn't be online for the public to see. She suggested that the more they put online, the better they will be.

Mr. Sullivan summarized that for the first two peer reviews, the projected cost is \$39,560. He asked Ms. Flynn about the process between the Town and the Applicant to have those funds in escrow.

Ms. Flynn replied that it will be an agreement between the town and the Applicant.

Atty. Freeman noted that there is a statute that governs the escrow, and he described the process. POVH is prepared to meet the funding requests.

Mr. August asked if the completion date is July 1st or July 31st.

Ms. Flynn was unsure but will follow up and clarify the date.

Mr. Sullivan noted that the discussion on the traffic study is scheduled for June 18th, noting that they will need the traffic study by that date.

Ms. Sullivan explained for the public that the Zoning Board of Appeals was required to hold the first meeting within a short period of time since the State issued the Project Eligibility Letter and the Applicant submitted their application. Due to the short time period, there are several details which have not yet been worked through or accomplished.

Ms. Barrett commented that she did not know how the Town could sign a contract for \$39,000 without the funding being in place to honor that commitment. She noted that if the Applicant isn't going to fully fund that contract now, the Town will have to limit the scope to the amount money they are going to commit to.

Atty. Freeman responded that he has seen it done with roughly \$10,000 that is then replenished.

Mr. Sullivan asked Ms. Barrett who would be working with the town to finish the escrow process.

Ms. Barrett replied that she will communicate with Ms. Flynn on the next day. Town counsel will be back next week. She noted that it is an administrative process between the Planning Department and the Treasurer's Office.

Rachael Lohr asked if the Board needed to take a vote at this meeting to approve the peer review contract.

Ms. Sullivan replied yes, after the discussion. He asked for Board members comments or questions.

Mr. August commented that given the Board's schedule, there needs to be a deliverable schedule, perhaps for each phase.

Ms. Flynn responded that VHB guaranteed that they would have the traffic study completed for the June 18th meeting and they will also present in person. She also noted that they will provide the peer review to the Applicant and the Board as soon as her office receives it. Ms. Flynn noted that she will work with VHB to distribute the documents 3-4 days prior to the June 18th meeting.

Mr. Sullivan moved that the Board accept the proposal from VHB for the first two peer reviews. Seconded by Mr. Donoghue.

Vote: 7:0 in favor. Motion carried.

4. Discussion between the Board and Applicants regarding scheduling a site visit of the property.

Mr. Sullivan noted that the Board has not yet discussed the scheduling of a site visit. He asked Attorney Freeman what their availability is to begin the site visits.

Atty. Freeman responded that they could be available at any time.

Mr. Sullivan recommended that Ms. Lohr begin the next day surveying the Board regarding their availability.

Atty. Freeman noted that it is not a public meeting, but a specific date is generally announced. He suggested looking at calendars now and setting up a date of two.

Mr. Sullivan confirmed with Ms. Lohr that it is not a public meeting and does not need to be posted. He also noted that Atty. Freeman had offered to do more than one site visit to accommodate everyone's schedules.

Ms. Barrett noted that it is standard that the decision of a date for a site plan is decided during this meeting. It is public information, but it is an open meeting law issue.

After discussion it was decided to schedule site visits for May 10th and May 17th at 10:30AM.

5. Discussion by Board regarding future Public Hearing Schedule

a) Future Agenda Topics

1. Public hearings by topic:

- o Overall Site Plan/Stormwater/Drainage
- o Traffic and Public Safety
- o Environmental and Public Health Impacts

Mr. Sullivan noted that the Traffic and Public Safety meeting is scheduled for June 18th at the Cultural Center, 204 Sisson Road, in the auditorium at 6:30PM. Remote participation will be available but there will not be a live broadcast. He confirmed that the traffic report will be available online as soon as possible.

6. Public Comments

Mr. Sullivan reviewed the requests and rules and procedures for anyone wishing to make a public comment. He noted that they would be taking a recess for approximately ten minutes and then begin the public comments.

Mr. Sullivan called the first four people to speak.

Kristen Crocker of 323 Main Street noted that her residence is across from the POV access. She also owns a business at 270 Queen Ann Road. She expressed concerns about the increase in traffic but emphasized that her greatest concerns are environmental. She requested more information about the Maim Street access and asked if it would be gated and only used for emergency vehicles.

Atty. Freeman noted that they will respond to questions in writing.

Barry Nunes of 221 Main Street referred to a correspondence he had received from Paula Miles who lives at 163 Main Street. He read her concerns of multiple and large building on 31 acres of undisturbed land, noting that it is in low density residential zoning. She is also concerned about the development's nitrogen load and the costs of nitrogen removal to the taxpayers. Ms. Miles also expressed concerned about the lack of environmental studies and harm to the environment and animal life.

Mr. Nunes noted that North Harwich has a large Cape Verdean population and that a lot of things have been put in North Harwich. He feels that section of town has done its share with commercial buildings, the dump and the food pantry. He noted that the traffic is already challenging and suggested that there should be thought to the people who live in North Harwich, their property and their way of living.

Tom Burch of 76 Queen Ann Road noted that he has, for years, been instrumental in making sure the commercial buildings are kept up. He noted that he is an abutter to this project and that pulling out of his driveway is already life threatening. He expressed concern about the size of the project and number units. He asked at what point the septic plant would be part of the project and suggested it be done before construction begins. Mr. Burch expressed concerns about the water flow towards the Herring River. He also asked if the Board could identify what the attorney referred to as unknown waivers. He noted the additional cost to the town to accommodate more students. He called the project too big and too much and commended the Board for taking six months to review the project.

Mr. Sullivan referred to the Open Meeting Laws and noted that he has to be consistent about the 3-minute time frame for all speakers.

Atty. Freeman clarified his statement regarding waivers. There are specific waivers which have already been submitted. He had commented that it made more sense to him to not go over the waivers tonight.

Ralph Ferrigno of 85 John Nelson Way which is in Pine Oaks Village off Bank Street, commented in support of the management capabilities of Pine Oaks Village Homes. He noted that he enjoys a wonderful lifestyle which would not be possible without the good management techniques of POVH.

Michael MacAskill participated remotely. He read a statement noting that the land has limited use due to past failed attempts to develop. He noted that with the purchase by a conglomerate and the antiquated 40B laws, the town is faced and forced to deal with the reality of overdeveloping a part of the town instead of building housing in a thoughtful way. He noted that their only control is to keep what they can under the town's control and deny waiver requests. He emphasized the importance of the Herring River and noted that the POVH application includes heavy grading and filling. He noted that the development doesn't fit into the character of the Harwich community. Mr. MacAskill noted Ms. Apigian's comment about future developments and noted that it has been represented in the past that future housing on that site will happen. He suggested that the Board look to past conversations as they deliberate on the environmental impacts. Mr. MacAskill referred to a statement made by an architect, saying that the development was close to services which he thinks is a misrepresentation of the truth. He urged the Board to look at the waiver requests to keep as much of this as they can local, since it has been taken out of the town's hands from the very beginning. The Applicant hired a political consultant and a marketing firm rather than working with the town. He noted that this project is now being driven by 40B and out of the control of the town and he feels it deserves to be in front of the taxpayers.

Patrick Otton of 49 Kendrick Road suggested that the Board look at the impact of the affordable housing and development plan. He commented that the residents of North Harwich don't want this development as neighbors. He noted the zoning as Residential Low and Industrial. He noted that due to traffic and trucks it is the second most dangerous road in Harwich. He suggested that Harwich needs redevelopment for all ages which he described and noted areas of town where housing accommodations could be created.

Elizabeth Harder of 88 Pleasant Lake Avenue noted that she is Harwich's delegate to the Barnstable County Regional Government Assembly of Delegates. She is Chair of the Housing Committee and the Housing Authority. She noted that she is not speaking for the Assembly of Delegates, but she can speak for the Housing Committee because the Committee thoroughly supports this project. She noted that housing on Cape Cod has been designated as a crisis. She noted how little land is available on Cape and the need for density on what is available. Ms. Harder commented on how many people have asked her to support this project because they need housing. She emphasized the this is serious, and it is a crisis.

Donald Nickerson of 16 Katie's Pond Lane noted that when he bought his home in 1991, he and his wife had to work three jobs. He noted that the residents rely on the Board to protect the integrity of their neighborhood. Mr. Nickerson noted the massive remediation to Flax Pond which is a neighboring pond to this project and suggested that the pond will be downgraded from the effluent coming from this project's treatment plan. He commented that there is a housing crisis in every town across the country. He asked that they don't create a new emergency to address an existing one.

Paul Doane of 63 Main Street urged the Board to consider supporting the project as presented. He noted that he had supported Pine Oaks Village 1 which was also contentious. He noted that the project was allowed to go on as POVH had planned. He emphasized that the Pine Oaks Board is comprised of local citizens providing well managed, esthetically pleasing and affordable rental accommodations. He asked that people visit the three Pine Oaks Villages to see how attractive they are. He noted that this project will meet the town's requirement of 10% affordable housing.

John Chorey of 153 Gorham Road noted that the size of the project, the scope and the unknowns are what is daunting to residents. He noted that his emphasis is on the financial aspects and requested a chapter or a page addressing what the impacts of this project would be financially to the town. He gave examples of Departments that would be impacted such as police and fire and also asked what the water impacts would be as well as projected school enrollment for all 10 proposed buildings. He asked what the 242 units equate to as the number of people. He noted that POV only pays 50% of their taxes now and asked if that 50% would carry through to these projects as well. He suggested they should pay the full tax rates as all taxpayers in town are doing.

John Monteiro, representing 59 Queen Ann Road Harwich Portuguese Mens Club noted that he had written a letter to the Board regarding a serious issue with the land, noting that 1-3 acres has been taken from their property. He asked how the Board would address that issue. He noted that the Club has had several land surveyors look at the property and they have gotten different results than the land surveyors for POVH. He asked if there would be a way for them to get property line issues resolved.

Atty. Freeman responded that he doesn't believe the Portuguese Mens Club information is correct. He also noted that title disputes are not matters for the Zoning Board of Appeals.

Mr. Sullivan noted that one of the meetings is for the overall site plan and suggested that perhaps that issue could be addressed during that meeting. Mr. Sullivan suggested the Mr. Monteiro contact Ms. Lohr. He also suggested that they will check with the consultant and ask if it would be proper to have another surveyor come in. He emphasized that the Board wants as much information as they can gather to help assess this application. He also invited Mr. Nunes and others to complete their statements as there is now time left for comments.

James Pena of 495 Main Street commented that North Harwich has taken on a lot of the things the town needs to do. He noted that he is not against affordable housing, but the scope and magnitude of this project is concerning. He commented that he takes exception to comments that "you people want to go against this project" noting that they are the people who will be impacted by this project. He emphasized that the magnitude of the project is excessively large, noting the waivers that have been requested under the guise of 40B and the impacts they would have on the community. Mr. Pena commented on the excess traffic already in the area and the impacts the project would have made that worse. He believes there are serious safety and environmental problems with the scope of the project.

Sherry Stockdale of Main Street addressed the issue of the full capacity of Pine Oaks. She noted the number of people for one-, two- and three-bedroom units for a total of 886 people at full capacity. She compared the size of the parking lot to the lot at Marconi Beach. Ms. Stockdale commented that comparing this project to previous 40B's is ludicrous and noted statistics of the other smaller POVH projects. Ms. Stockdale noted that there are two other affordable housing projects going into North Harwich. She noted that the Harwich Housing Production Plan says that housing should be dispersed throughout the town, not loaded into one area. She suggested that POVH is taking an area, breaking it up, diminishing it and diminishing property values. She emphasized that the people who have spoken in support of this project don't live in North Harwich.

Barry Nunes commented that he is not against affordable housing. He added that this project is just too big and the impact on North Harwich is going to be enormous. He noted that traffic is already an issue. He asked that the Board recognize the impact this project will have on the community of North Harwich.

Elizabeth Harder apologized to the gentlemen who had referred to her comment noting that she did not mean everyone who is against this project. She had lost her temper. She commented that she was referring to a core group of people. She clarified that this year, the average median income (AMI) is \$124,000 which means that someone with 80% AMI has to make \$74,000. She noted that the people who make \$74,000 are the police officers and fire fighters. She also noted that the roads and traffic will be improved with this project because the State will pay for it if it helps approvable housing.

Denise Montgomery of 6 Queen Ann Road commented on the amount of traffic in the area all day long. She expressed concern about the increased amount of trash that would come with increased traffic as well as concerns for the Herring River.

Mr. Sullivan thanked everyone for helping meet the 9:00 deadline for speakers.

An unidentified man commented that he had lived in North Harwich for decades and expressed concern about the impacts of 241 units being added to the area. He commented that North Harwich should be left to be North Harwich. He also noted a project in Dennis that is on the town line which will also add to the traffic.

Mr. MacAskill commented to correct the record. He noted that earlier it had been noted that the Harwich SHI list was in the 4%. He stated that Harwich has several active projects that will add to the SHI list. They are also undergoing an extensive evaluation on properties that have recently dropped off the SHI list but have not come forward to pay their full share of taxes. They are in negotiations to see if those people want to stay on the SHI list. He stated that Harwich is in the 6% for the SHI list. He added that the 10% is a fake number that the State has come up with. He encouraged the Board to look at Barnstable, Hyannis, Yarmouth who raced to get to their 10% number and are now saying that they have overdeveloped. To a previous speaker who represented themselves as being on many Boards and what they support, no one member represents a Board. It was a misrepresentation of the Town of Harwich tonight to talk about what a committee represents when it was not a vote of the Committee. It is, in effect, a

misrepresentation to the Town. Mr. MacAskill commented that they shouldn't be racing to ruining the Town of Harwich just because the Barnstable County Delegates talk about a crisis because the State, in this 1969 law, has destroyed many communities with poor planning. To the previous speaker he commented, just because you talk loudly, does not make you smarter.

Mr. Sullivan asked the Applicant if there were any questions they would like to address at this point.

Atty. Freeman noted that under 40B, the Board cannot consider the impact of school children.

Mr. Donoghue moved to close the public comments section of the meeting. Seconded by Mr. Nunnally.

Vote: 7:0 in favor. Motion carried.

Mr. Sullivan asked Ms. Barrett for comments.

Ms. Barrett commented that it was what she'd expected for the first meeting. She had nothing to add at this point.

Mr. Sullivan asked if there were questions from the Board to Ms. Barrett.

Mr. Sullivan commented that the peer reviews would be done by outside consultants who he assumes will be judging the proposal based on State Boards and requirements. He noted that at each topic meeting, he would like to hear from the Harwich Department heads regarding what they consider the impact of the project to be on the town as well as their consideration of the plans. He asked Ms. Barrett how that should be handled best when they have their topic discussions.

Ms. Barrett noted that she generally doesn't see town staff attending ZBA meetings. She suggested that written comments may be the most helpful. She offered to assist in organizing a meeting with staff. She noted that the peer review consultants sometimes meet with staff so everyone can understand the parameters for review.

Mr. Sullivan noted that if the Conservation Agent is available, they would like to fit her in to discuss the Town's viewpoint regarding her Department.

Atty. Freeman noted that most towns let them meet informally with staff even during the pending hearing. He commented that if Ms. Flynn could organize a meeting, POVH would be happy to attend. He stated that in the course of the peer review, it's usually helpful if the ZBA authorizes the peer review consultant to talk directly with the POVH professionals. He asked that Mr. Sullivan okay that communication.

Mr. Sullivan noted that the idea is to best understand the plans for the consultants to make the best decision.

Ms. Barrett agreed with Atty. Freeman. It makes absolute sense for the Applicant's consultants to be able to speak with the Board's consultants so when they meet on June 18th, it can be a productive discussion.

Mr. Sullivan asked Ms. Flynn to contact VHB and inform them that the Board is requesting that they take the opportunity to meet with the appropriate consultant from POVH. Mr. Bailey commented that the Applicant's attorney said that school enrollment and the survey question between the Applicant and abutters is not in the purview of the Board. He asked for confirmation of that statement

Ms. Barrett responded that the statute is very clear about what the Board's jurisdiction is. It's public health, its public safety, environmental impact, building and site design. She stated that the Board does not have jurisdiction or authority to consider or impose conditions on a project that relate to operations such as police, fire, and schools. She encouraged the Board not to go there, noting that it is beyond anything they can regulate.

VII. ADJOURN

7. Discussion and Vote to Continue the Public Hearing

Mr. Sullivan requested a motion to continue the Public Hearing.

Mr. Donoghue moved to continue this Public Hearing to June 18th at the Cultural Center, 204 Sisson Road at 6:30PM. Seconded by Mr. Dickson.

Vote: 7:0 in favor. Motion carried.

Respectfully submitted,

Judi Moldstad
Board Secretary

April 24, 2025