# TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Mary Maslowski, Ann Clark Tucker, Emily Brutti, Harry Munns and Allan Peterson

**MEETING MINUTES**
**HARWICH PLANNING BOARD**
**GRIFFIN ROOM, TOWN HALL**
**732 MAIN STREET, HARWICH, MA**
**TUESDAY, March 11, 2025 - 6:30PM**

This meeting of the Harwich Planning Board was held in-person and was also available for viewing via the GoToMeeting format.

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

**MEMBERS NOT PARTICIPATING:** None

**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, March 11, 2025 at 6:31PM and read the Open meeting Law Notice.

## I. PLEDGE OF ALLEGIANCE

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

## II. PUBLIC MEETING

**Case #PB2025-02 Eastward MBT, LLC, Trustee of the Eastward Homes Business Trust, Agent, Susan Ladue** have requested a **Release of Covenant** for #1594-1598 Orleans Road, Lot 1,2,3,6,7 and 8 Ladue's Landing, Assessor's Map 107, Parcel S2-1 & S2-2 in the Residential Rural (RR) and DEP Zone II Water Resource Protection District. The Original Case was # PB2024-21.

Mr. Berry read the agenda item and greeted representatives from Eastward Companies, Susan Ladue and Bill Reilly.

Ms. Flynn advised the Board that the request has been revised to only release Lot 8, with all other lots retained in the existing covenant.

Mr. Bill Reilly, representing Eastward Companies, spoke regarding the revised request following guidance from Ms. Flynn and Town Council. He detailed the intent to release Lot 8 for sale of lot and collection of proceeds to construct the road.

Ms. Flynn outlined the materials in the packet, including the updated request from Susan Ladue. She described the assessed cost and existing amount of work needed for completion and specified that VHB, consulting engineer for the Town, concurred with the estimate. She explained that Town Council advised requiring a financial security when releasing lots from covenant in accordance with Massachusetts General Law.

Mr. Berry asked the Board if they had any comments. Hearing none, he asked the public for any comments, with no public comments received.

Mr. Peterson made a motion to close the public hearing, seconded by Ms. Clark.

Vote: 6:0 in favor, hearing was closed.

Ms. Maslowski made a motion to release Lot 8 from the covenant established by PB2024-21.

Mr. Peterson seconded the motion.

Vote: 6:0. The motion was carried unanimously.

**Potential ANR Plan for discussion, Dan Croteau PE, Moran Engineering Assoc., Lot line change 5 Brooks Rd & 7 Dunes Rd**

Mr. Berry introduced the public meeting item.

Mr. Dan Croteau, PE with Moran Engineering Association, presented the proposed ANR plan of the two properties that are currently owned by one family. He described that the existing property has been sharing driveway space and had no concern for privacy since ownership was shared, however the owner intends to sell one of the properties and seeks to create greater privacy between the two homes. He detailed the plan to relocate the garage on 5 Brooks Rd to allow for the revised lot line. He described that there are no changes to frontage or impact to setbacks with the changes. He wanted to receive the advice of the Board to ensure the plan is appropriate before proceeding with the relocation of the garage.

Ms. Flynn detailed that the plan meets ANR criteria for moving the lot line. She highlighted the advice of Rachel Lohr, Zoning Compliance Officer, to relocate the garage for compliance with zoning setbacks. She recommended endorsing the ANR when it officially comes before the Planning Board.

Mr. Berry asked for clarification on the change in lot size with the new lot lines between the two properties.

Mr. Croteau confirmed that the lots exchange equal sections to maintain the same sized lots.

Ms. Maslowski asked about Rachel Lohr's comments and inquired about the distance of the garage from the lot line.

Mr. Croteau specified that the distance is 8 feet, and that they did not want to create a non-conformance for either lot. He described that the other changes include the removal of pavement between the two houses and creating a buffer with plantings.

Ms. Maslowski asked about the driveway configuration and proximity to lot lines.

Mr. Croteau referenced the plans and highlighted the area that will be removed to address the areas with shared parking.

Ms. Maslowski proceeded with an informal poll from the Board.

No members of the Board highlighted any issues with the proposed ANR plan.

**III. APPROVAL OF PLANNING BOARD MEETING MINUTES: February 11th , 2025.**

Mr. Berry introduced the matter of approving the minutes.

Mr. Maslowski made a motion to approve the Planning Board minutes from February 11th as written.

Mr. Berry asked if there is any discussion. No members presented any items of discussion.

Ms. Peterson seconded the motion.

Vote: 6:0 in favor. Motion Carried unanimously.

## IV. TOWN PLANNER UPDATE:

***Draft ADU Bylaw changes for Annual Town Meeting, Public hearing to be held April 8th, 2025***

Ms. Flynn described the draft ADU bylaw that was included in the packet for Planning Board members. She detailed that Town Council has been reviewing the draft and provided feedback. She stated that there will be a public hearing conducted by the Planning Board on April 8th, 2025. She described her intent to give a presentation on the changes during the March 25th, 2025 meeting. She detailed the existing ADU bylaw in place in Harwich and described the differences in allowable gross square footage between this and the State guidance. She included information pertaining to proposed revisions of other Cape towns.

Mr. Berry asked if the gross square footage requirement will be included in the upcoming revision.

Ms. Flynn stated that it is required for compliance with Chapter 40A to revise the size requirements. She stated that she is collecting information on existing ADU's within the Town to understand trends in the sizes that are currently being constructed.

Ms. Maslowski asked if Town Council is advising that allowing 1000 square feet of gross square footage by-right is not in compliance with the State.

Ms. Flynn described that the State has placed this guideline into Chapter 40A and that the Town may not be more prohibitive in their own bylaws. She stated that she is working with Town Council to clarify if the existing 1000 square foot allowance is more or less restrictive.

Ms. Maslowski stated that she believes the 1000 square foot is less restrictive. She highlighted that the current Town bylaw mandates owner residency, which is not allowable under State regulation.

Ms. Flynn confirmed that Town Council advised striking the residency requirement in the revised ADU bylaw. She continued by detailing the potential of having a second bylaw, separate from the protected ADU bylaw for under 900 square feet, to allow ADUs up to 1000 square feet by special permit process.

Ms. Maslowski described her desire to clarify the necessity to change the bylaw size restriction to be more restrictive. She outlined the original process of developing the existing ADU bylaw with coordination from the Cape Cod Commission, which created the 1000 square foot size limitation.

Mr. Berry concurred with her assessment of the history and desire to seek further advice on the need to change size restrictions.

Ms. Maslowski asked about changes to the rental term limitations in the revised bylaw.

Ms. Flynn answered that she does not believe the restrictions on short rental terms have been changed, but that the owner occupancy requirement has been removed.

Ms. Maslowski inquired about the potential to strike certain sections of the existing bylaw, alternatively to creating a new special permit process for 1000 square foot ADUs. She detailed the original intent of the Town's ADU bylaw and described how the more restrictive size requirements are not in line. She stated that having the more restrictive size requirements will be prohibitive in the development of ADUs.

Mr. Berry concurred and highlighted the success of 18 ADU applications being processed since 2023.

Ms. Clark requested information regarding the number of ADUs built in comparison to applications received.

Mr. Peterson agreed and suggested information on the sizes being constructed would be helpful.

Mr. Berry summarized information regarding the estimated costs for constructing ADUs.

Ms. Maslowski summarized the additional requirements relating to the appearance of ADUs and impact on the neighborhood character.

Ms. Flynn agreed with Ms. Maslowki's summary of the existing requirements and clarified that those sensitivities to the existing neighborhood will remain.

Ms. Clark stated that the intention of the changes is to remove barriers and allow for increased construction of ADUs.

Mr. Flynn detailed that information will be provided on March 25th at the Planning Board meeting in anticipation of the April 8th public hearing for the bylaw changes.

Ms. Maslowski suggested that the Town seek feedback from the State.

Ms. Flynn agreed and stated that she will reach out to the Attorney General's office for feedback.

***West Harwich DCPC informational session***

Ms. Flynn summarized her intent to hold a discussion on the West Harwich DCPC requirements and processes based on inquiries from the public. She stated that she is reaching out to the Cape Cod Commission Historical Resources Planner to gain clarity on existing guidelines and provide information on development opportunities in the West Harwich DCPC.

Mr. Berry stated that he had reviewed the language and that in anticipation of applications having clarification would be helpful.

***Cape Cod Commission Wychmere DRI Public Hearing update***

Ms. Flynn described that the third public hearing is scheduled for Friday. She has submitted two sets of comments to the Commission with feedback from other Town departments. These are available on the Cape Cod Commission website. They are under deadline to move the case forward from the subcommittee into the full committee hearing process.

**Citizen Planner Training Collaborative's 30th Annual Conference is on Saturday, March 15, 2025 location at Holy Cross College in Worcester.**

Ms. Flynn summarized the conference.

**Zoning Revision Discussion**

Ms. Flynn describes her intent to add discussion with ZBA Board of Appeals to the agenda.

Ms. Clark highlighted that funding will be potentially required for the zoning revisions.

Ms. Maslowski discussed the potential cost affiliated with the project.

**Housing Production Plan Update**

Ms. Flynn stated that the HPP has been approved by the Select Board with a unanimous vote and will be submitted to the State. She looks to finalize the OSRP and HMP as well. She is happy with the involvement of the Select Board in the HPP process and the Town priorities to balance future growth and development while maintaining community character.

## VI. ADJOURN

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

Vote:  6:0 in favor.  Motion carried unanimously.

Meeting adjourned at 7:43 PM.

Respectfully submitted,

Meg Salmon