



# TOWN OF HARWICH PLANNING BOARD

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

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**MEETING MINUTES  
HARWICH PLANNING BOARD  
GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
Tuesday, April 22, 2025 - 6:30 PM**

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

**MEMBERS PARTICIPATING:** Allan Peterson, Acting Chair, Emily Brutti, Mary Maslowski, Ann Clark Tucker, Harry Munns and Annie Newman

**MEMBERS NOT PARTICIPATING:** Duncan Berry

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

## **RECORDING NOTICE; CALL TO ORDER**

Mr. Berry called the meeting of the Harwich Planning Board to order on Tuesday, April 22, 2025 at 6:30PM and read the Open Meeting Law Notice.

## **I. OPEN MEETING:**

## **II. PLEDGE OF ALLEGIANCE:**

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

## **III. PUBLIC HEARING:**

- a. **Continued from March 25, 2025, and April 8, 2025- Case # PB2025-04 Brian Langelier**, Owner, seeks approval for a Site Plan Review Special Permit. The proposed project is to construct two additions to an existing building that shall increase seating capacity. The application is pursuant to the Code of Harwich Sections §325-51 and 325-55 and MGL Chapter 40A sections 9 and 11. The property is located at 986 Route 28, Assessor's Map 35-C2-0 and the parcel is approximately 0.99 acres. The parcel is in the Commercial Highway 1(CH-1) Zoning District and the Massachusetts DEP Zone II Drinking Water Protection District.

Mr. Peterson read Case #PB2025-04 as presented.

Brian Langelier was present and noted that all issues have been resolved with the Planning Board and Ms. Flynn.

Ms. Flynn referred to the revised staff report and the engineering report from the Town's consulting team at VHB. She noted that she recently received the evaluations from VHB and that many of the applicants are receiving their evaluations for their storm water drainage this evening. She noted that this applicant submitted a storm water drainage report as well as a revised site plan. She gave a powerpoint presentation of the original and revised site plans and explained the revisions in detail. She noted the seating capacity and that the total for indoors and outdoors will be capped at 98 per the Health Department. She noted questions raised by VHB relative to some of the drainage, identifying the drainage pits. VHB had concerns which she described in detail and commented that it was just for the applicant's consideration. VHB also questioned the drainage calculations and had questions for the applicant's engineering team. That information is included in the packet.

Ms. Maslowski asked Ms. Flynn if she is comfortable with the proposed condition that addresses the Town Engineer's comments.

Ms. Flynn replied that she had spoken with Steve Rhoads from VHB noting that he was comfortable suggesting that prior to the final building inspection. The storm water management drainage plan would be approved by the town's consulting engineer. She added that if the applicant is willing to work through his engineering team, the Board can resolve some of the issues that were raised.

Ms. Tucker referred to condition #10 to change the lighting and asked if they are now dark sky compliant.

Ms. Flynn replied that it is a standard condition used for all site plan reviews.

Mr. Langelier commented that they are now dark sky compliant. He will submit the certificate and specs at the final inspection.

Ms. Maslowski asked, based on conditions, if the applicant still needs the waiver on the parking and the storm water management and drainage.

Ms. Flynn replied that the parking requirements are okay and that she should have removed the drainage condition as an update. She is comfortable with the Board approving conditions and not the waivers.

Mr. Langelier noted that he is also comfortable with that.

Ms. Maslowski moved to close the public hearing. Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

Ms. Maslowski moved that the Planning Board vote to adopt the proposed findings of fact:

1. The applicant is Brian Langelier, owner.
  2. The subject property is 986 Route 28, Map 35 Parcel C2-0.
  3. The property is located in the Commercial Highway 1, CH-1 and Residential Rural RR Massachusetts Zone 2 Drinking Water Protection Districts. The application for a site plan review special permit was filed with the Town Clerk on February 26, 2025.
  4. Site plan with zoning compliance chart by Deanna Vitti civil number 49075 dated February 4, 2025.
  5. Comments from the zoning compliance officer dated March 12, 2025. Comments from the Health Director dated March 17, 2025.
  7. Revised building occupancy load signed by Interim Building Commissioner Tom Wingard dated March 10, 2025 and seating plan
  8. The Planning Board held its public hearing beginning on March 25, 2025 continued to April 8th and continued to April 22, 2025.
  9. In addition the Board finds that A. The use as developed 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 and pedestrians. D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This includes a provision of appropriate sewage treatment facilities which provide denitrification when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or salt water embayments.
- Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

Ms. Maslowski moved that the Planning Board approve with conditions Case #PB2025-04 Brian Langelier 986 Route 28 for approval of a site plan review special permit pursuant to Sections 325-55 of the Code of the Town of Harwich for property located at 986 Route 28 Map 35 Parcel C2-0 in the Commercial Highway 1 and Residential Rural Mass DEP Zone 2 Drinking Water Protects Districts. The decision is based on the aforementioned findings of fact and the fact that the application meets the necessary requirements and criteria for approval pursuant to the Code of the Town of Harwich and with the following conditions imposed relative to the special permit review.

1. The applicant is Brian Langelier, owner.
2. The subject property is 986 Route 28 Map 35.
3. The property is located in the Commercial Highway 1 and Residential Rural Mass DEP Zone 2 Drinking Water Protects Districts. The application for a site plan review special permit was filed with the Town Clerk on February 26, 2025.
4. Total building occupancy is 76 including customers and employees.
5. The total allowed seating capacity for both inside and outside is 98 seats per the Board of Health.

6. The applicant shall provide an affidavit agreeing that the town has made the applicant aware the deck coverage of the septic system and grease trap is a potential hardship created by the applicant. The affidavit shall be submitted to the Board of Health prior to the final inspection by the Building Department.
  7. It should be noted that the delivery area is a narrow lane to the west side of the property that could be a challenge for ease of access.
  8. Prior to the final building inspection a storm water management and drainage plan shall be approved by the town's consulting engineer.
  9. The applicant shall provide a total of 31 parking spots as indicated on the revised site plan dated April 15, 2025.
  10. Any existing or new exterior lights must be dark sky compliant for the Harwich Code.
  11. The decision shall run with the property. Conditions of approval shall be binding on future owners.
  12. This special permit shall not take effect until a copy of the decision bearing certificate of the Town Clerk, that 20 days have lapsed after the filing of the decision and either that no appeal has been filed or that an 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.
  13. 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 MGL Chapter 48 Section 17 from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun by such date except for good cause.
  14. Changes to the site not authorized under this decision will require further Planning Board review and modifications to this decision.
  15. The applicant shall conform to the inspection certificate and as-built plan requirements outlined pursuant to the Code of the Town of Harwich.
- Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

- b. **Case # PB2025-07 711 Main St LLC, Manager, Saumil G. Patel,** seeks approval for a Site Plan Review Special Permit and Fast Food/Takeout Special Permit. The proposed project is to convert one existing commercial unit into two commercial units, one of which will be rented by a fast food/take-out establishment. There will be no exterior changes to the existing building or parking lot. The application is pursuant to the Code of Harwich Sections §325-14 (0), §325-51, §325-55 and MGL Chapter 40A sections 9 and 11. The property is located at 711 Main Street, Assessor's Map 41 Parcel D8 and the parcel is approximately 27,441 square feet. The parcel is in the Commercial Village (CV) Zoning District and within the Harwich Center Overlay District (HCOD).

Mr. Peterson read Case # PB2025-07 as presented.

Hal Choubah, consulting engineer was present representing Saumil Patel, applicant. He gave a brief history of the existing special permit. He was unsure if the Board would consider this a modification of the original permit or a new special permit.

Ms. Flynn noted that the applicant is going from one unit to two. It is an internal change. There are no changes to parking, the exterior of the building, landscaping or lighting. She noted that this is an application for a modification of a site plan review and recommended moving the application forward. Neither she nor the Town Engineer had any issues with the recommended conversion from one commercial unit to two.

Mr. Peterson asked for comments from the public.

Peter Antonellius, abutter on the south side of the 711 commented that Mr. Patel has been a fabulous neighbor and he has no issues with the 711. He expressed concern that space in the 715 building would be rented to a fast food service provider. He added that he would not be concerned if the business would be run by Mr. Patel.

Mr. Patel responded that they are turning 711 into two units. They are looking for a tenant for the section that would be where the cooking is being done but they do not have anyone at this time. The section at 715 will be just cold cut sandwiches for take out.

Ms. Flynn noted that the fast food take out will remain with the applicant.

Mr. Antonellius commented that that resolves his concern.

Ms. Maslowski moved to close the public hearing. Seconded by Ms. Clark.

Vote: 6:0 in favor. Motion carried.

Ms. Maslowski moved that the Planning Board vote to adopt the following proposed findings of fact:

1. The applicant is Saumil Patel, manager of 715 Main Street, LLC
2. The subject property is 711 Main Street Map 41 Parcel D8
3. The property is located in the commercial village CV is the Harwich Center Overlay District HCOD.
4. The application for a modification site plan review special permit and fast food takeout use special permit was filed with the Town Clerk on March 14, 2025
5. PB-2019-28 The Planning Board granted 711 Main Street a fast food take out use special permit
6. The Planning Board held its public hearing today on April 22, 2025 at 6:00PM
7. In addition the Board finds that A. The use as developed 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 hazard to vehicles or pedestrians D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. This

includes the provision of appropriate sewage treatment facilities which provide for denitrification when the permit granting authority deems such facilities necessary for drinking water supply wells, ponds or salt water embayments.

Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

Ms. Maslowski moved that the Planning Board approve with conditions PB2025-07 711 Main Street, LLC for approval of modification to site plan review special permit pursuant to Sections 325-55 of the Town of Harwich for property located at 711 Main Street Map 41 Parcel D8 in the Commercial Village and Harwich Center Overlay District. This decision is based on the aforementioned findings of fact that the application meets the necessary requirements and criteria for approval pursuant to the Town of Harwich and with the following conditions imposed relative to the site special permit review.

1. The applicant is Saumil Patel, manager of 715 Main Street, LLC
2. The subject property is 711 Main Street Map 41 Parcel D8
3. The property is located in the Commercial Village in Harwich Center Overlay District
4. The application for modification to site plan review special permit and fast food use special permit was filed with the Town Clerk on March 14, 2025
5. The proposal is to modify an existing mixed use building with one commercial use to include two commercial uses, nail salon and fast food take out restaurant-deli with no seats
6. The fast food take out permit shall comply with all Board of Health requirements
7. This decision shall run with the property. Conditions of approval shall be binding on future owner.
8. This modification to a special permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period is recorded the Registry of Deeds and indexed under the name of the property owner of record and the property address.
9. The special permit shall lapse within two years which shall not include such time required to pursue or wait the determination of an appeal referred to in GL Chapter 40A Sections 17 from a grant thereof if a substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun by such date except for good cause.
10. Changes to the site not authorized under this decision will require further Planning Board review and modifications to this decision.
11. The applicant shall conform to the inspection certification and as-built plan requirements as outlined pursuant to the Code of the Town of Harwich
12. Further, any provisions of the site plan review special permit mixed use development special permit fast foods take out restaurant special permit and Harwich Center Overlay special permit Case 2019- 28 PB2020-31and PB2021-04 not modified herein shall remain in full force and effects.

Mr. Choubah noted that he heard “no seating”. The original permit had 12 seating which its what is shown on the floor layout.

Ms. Flynn responded that it may have been a copy and paste error.

Ms. Maslowski revised condition #5 to read- The proposal is to modify an existing mixed use building with one commercial use to include two commercial uses, nail salon and fast food take out restaurant-deli with no more than 12 seats.

Seconded by M.s Tucker.

Vote: 6:0 in favor. Motion carried.

c. **Case # PB2025-08 715 Harwich LLC, Manager, Saumil G. Patel,** seeks approval for a Site Plan Review Special Permit and Fast Food/ Takeout Special Permit. The proposed project is to convert two existing commercial units into one commercial unit with an addition of 1,120 square feet and reconfiguration of the parking lot. The new commercial unit will contain a convenience store with a fast food/take-out deli. The application is pursuant to the Code of Harwich Sections §325-14 (0), §325-51, §325-55 and MGL Chapter 40A sections 9 and 11. The property is located at 715 Main Street, Assessor’s Map 41 Parcel D7-1 and the parcel is approximately 31,984 square feet. The parcel is in the Commercial Village (CV) Zoning District and within the Harwich Center Overlay District (HCOD)

Mr. Peterson read Case #PB2025-08 as presented.

Mr. Choubah, consulting engineer representing the applicant on this application, gave a brief history of the existing special permit. He explained the proposed changes to the building and parking lot in detail. He noted that the proposal was approved by the Historical Commission to modify the appearance of the building.

Ms. Flynn gave a description of the property. She described the proposed plan and modifications in detail. Ms. Flynn gave a powerpoint presentation of the area. She noted that the Board of Health indicated that the septic system would have limitations for 1000 gallons per day in terms of flow. Depending on what will be served at the deli, the grease traps would need to be upgraded. Ms. Flynn stated that her recommendation would be that the permit be conditioned for limited per approval from the Board of Health.

Ms. Maslowski asked if the engineers have approved the site plan and the turning radius.

Ms. Flynn replied that she had spoken with the engineer and he did not anticipate any substantial issues. He was willing to provide further comments and work with the applicant so a conditional approval could be done this evening.

Ms. Maslowski expressed concern that if something may be changed on the site plan after the public hearing is closed, the applicant may have to do another public hearing.

Ms. Flynn agreed with that comment and suggested a continuance.

Mr. Choubah agreed to return on May 27, 2025.

Mr. Munns asked if there is a 713 between 711 and 715.

Mr. Choubah replied that there is no 713. Both 711 and 715 are being operated independently.

Ms. Maslowski noted that there may be a scrivener's error on the previous case regarding the numbers 711 and 715.

Ms. Maslowski moved to continue the public hearing to May 27, 2025 no earlier than 6:30PM. Motion withdrawn for public comments.

Dr. Murray Johnson, abutter to the property expressed concern about the increased traffic. He asked if a traffic survey had been conducted. He noted that it is a right of way and not a street that passes between 715 and 719.

Ms. Flynn responded that traffic is an issue as part of the site plan. In her evaluation given the current circumstances, she did not feel that this would increase the traffic in any substantial way. She had recommended that a traffic study would not be required. VHB agreed with that assessment as well.

Mr. Choubah noted that he anticipates no significant increase in traffic.

Ms. Maslowski moved to continue the public hearing on PB2025-08 to May 27, 2025 no earlier than 6:30PM. Seconded by Ms. Brutti.

Vote: 6:0 in favor. Motion carried.

**d. Case # PB2025-09 Jeff Lang & Sandra Wycoff, Owners, through David J. Crispin, P.E, of BSC Group Inc., Agent, seek 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 Sections §325-51, §325-55 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 1 (RH-1) Zoning Districts.

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



Mr. Land of Riverside Drive was present and noted the he has David Crispin of BSC on line remotely to provide a presentation.

Mr. Crispin participated remotely and gave a slide presentation giving a history of the property and the proposed parking improvements.

Ms. Flynn gave a description of the application and the property. No Town Departments noted any cause for concern or had additional comments. The project is under review with the Conservation Commission which was approved by an order of intent. The project will also need a Select Board storm water and elicit discharge permit as well. She noted the project clean up with soil and groundwater as part of a Massachusetts contingency plan. There was a finding of no risk, there is a placement of limited use on part of the site. She noted that the commercial parking lot is allowed in the CH1 zoning district, the site plan review was triggered by the reconfiguration of the parking lot. She described the reconfiguration and what permits will be required. Ms. Flynn noted that revisions were requested on the site plan to add arrows, mark loading and unloading and highlight a dumpster. VHB evaluated the storm water and drainage which the applicant will take time to evaluate. She noted that the applicant submitted a traffic study and she noted details. Ms. Flynn also noted some issues of access and safety. The applicant included a landscaping plan which is being evaluated and conditioned by the Conservation Commission. She noted what the lighting plan will included. Ms. Flynn stated that given the Conservation Commission and the Town Engineer's evaluation, she recommended giving the applicant an opportunity to also respond to them.

Ms. Flynn gave a powerpoint presentation of the property and proposed project.

Ms. Tucker commented on the large size of the parking lot. She noted that it is 3/4 of a mile from, Harwichport without sidewalks and asked how it would be alleviating parking.

Mr. Lang replied that his intent was to take what was a junk yard and work towards making something that the whole town is proud of and is happy to have there. He noted the challenges of getting permitting and that hopefully, eventually with the new sewer system, they will be able to figure out the best use for the property. He described his vision for the property and wanting to continue to progress and improve the site for people to continue using. The goal with the parking lot is to find partners who want to have their employees park there and help fund a shuttle.

Ms. Tucker asked what building would be going on the property. She expressed concern of having it be a Hone Depot type store.

Mr. Lang replied that he doesn't know yet. When they decide, they will be going through that process with the town. His intent is not to have a big box store on the lot. He noted that he could have put up condos but that would not have been to the benefit of the Town of Harwich.

Ms. Flynn clarified that the ITE study and the square footage was based off the assumption that the building would be retail.

Ms. Maslowski asked if retail falls into the highest parking requirements.

Ms. Flynn replied that it is more middle of the road. Restaurants tend to be higher.

Mr. Munns also expressed concern of not knowing what would be in the building. He questioned why Mr. Lang would invest in the parking lot without a plan for return or revenue from that investment.

Ms. Maslowski clarified that the application is for primary use which its a parking lot with a walking path. The application is for reconfiguration of what already exists.

Ms. Flynn noted that a commercial parking lot is allowed in that zone.

Ms. Flynn noted that she is recommending a continuance until the end of the month to allow the applicant to follow up with the town's consulting engineer.

Lisa Nichols of 15 Doane, across the street from the parking lot, commented on the fabulous job Mr. Lang has done cleaning up the property. She expressed concern of what would be going in a parking lot of that size. She commented that she does not think it makes sense to build 93 parking spaces without knowing what is going there. Ms. Nichols also commented that walking from that space to town safely means walking through the parking lots of businesses along the road until crossing to the sidewalk. She feels it is unsafe for anyone to walk from the lot to town.

Craig Nichols of 15 Doane added that he feels having a parking lot that size without an intended use doesn't make sense. He also commented on the dangers of walking along that road.

Paul Lagg of 1 Wooncepit Road commented on the dangerous intersection near the proposed lot. He expressed concerns about traffic impacts on Doane Road and surrounding areas. He suggested that the Board look at the application as it is, for a commercial parking lot and not the potential uses. He emphasized that there are many unknowns and there should be more detail about the operation of the site. Mr. Lagg also noted that there are many people who walk Doane Road to cross at Route 28, his concern is the increased traffic and issues with speed. He also suggested that the Board have traffic studies done, possibly add signage and other safety precautions.

Kate Hecht of 371 Route 28 commented on how much Mr. Lang has done to clean up the property. She also agrees with the traffic concerns. She suggested a traffic pattern in the lot that may be safer. She noted that she agreed with the previous abutters' comments.

Ms. Maslowski asked Ms. Flynn if she could do some of what had been suggested and have some operational recommendations by the next meeting so the Board can look at it as commercial parking for as long as it remains that way.

Ms. Maslowski moved to continue public hearing for PB2025-09 to May 27, 2025 no earlier than 6:30Pm. Seconded by Ms. Brutti.

Vote: 6:0 in favor. Motion carried.

e. **Case # PB2025-10 Robert Young & Josh Winston, Owners,** seek a Two-Family Use Special Permit, Multi-Family Use Special Permit, and Site Plan Review Special Permit to convert two existing structures with three residential units into five residential units. There will be no changes to the exterior footprint of the existing buildings. The application is pursuant to the Code of Harwich Sections §325-51 (N), §325-51(Q), §325-55 and MGL Chapter 40A sections 9 and 11. The property is located at 1006 Route 28, Assessor's Map 35, Parcel B2-1 and the parcel is approximately 72,802 square feet. The parcel is in the Commercial Highway II (CH-1), Residential Rural (RR) Districts and the DEP Zone I| Water Protection District.

Mr. Peterson read Case #PB2025-10 as presented.

Bob Young and Josh Winston were present. Mr. Winston commented on the need for more workforce housing. The intent of their proposed plan is to house staff of the Seal, which they own and operate.

Mr. Young gave a brief history of the property, noting their goal of creating units that could be year round workforce housing. He noted that their engineer had addressed the Town's engineer's concerns.

Mr. Winston described the property and noted that they would be staying within the current footprint of the building. Their intent is to work with Conservative to preserve the tress on the property behind the building.

Ms. Flynn described the application for Case #PB2025-10, the property and the proposed renovations to the building. She noted consulting with the Zoning Compliance Officer and Town Counsel. A multi family dwelling is defined in the Table use code which its why a multi family special permit is being requested for one building and a two family special permit for the second. Because both buildings are existing, the applicant has asked for a waiver from the 800 square foot minimum for the two units as part of the two family special permit. An increase in traffic is not anticipated. VHB did an evaluation of the storm water management and drainage and they were comfortable approving this project as a conditional approval and offered to look at the drainage calculations and provide his approval as part of the Planning Board's condition. She noted other specs and that the only issue the proposal didn't comply with was the 800 square foot requirement for both units as part of the two family special permit. Ms. Flynn recommended granting the waiver so that the applicants can move forward with the project.

She does not anticipate any impact on abutters . Ms Flynn gave a powerpoint presentation showing the property, the two buildings and the existing conditions. Ms. Flynn noted that Chief LeBlanc and Bruce Young of the Fire Department did not have issues but did comment that if there are any septic upgrades, the Fire Department will need to see plans to ensure that the tanks are rated so trucks can go over them. The plan also includes dark sky compliant lighting.

Ms. Maslowski noted that there is one waiver and confirmed the language for accuracy. She also asked Ms. Flynn if she was waiting for any changes to the plan.

Ms. Flynn replied that the applicant's engineer had responded to VHB and she is waiting to hear back from VHB. However, VHB had no issues if the Planning Board were to move forward for approval and offered to work with the applicant's engineer relative to drainage and storm water runoff.

Ms. Maslowski asked Board members if they would prefer a continuance to an approval.

Mr. Young noted that the drainage of the back building had previously been approved by the town. They are presently addressing a drainage plan with the town engineer and their engineer.

Ms. Maslowski asked if a condition regarding storm water was appropriate.

Ms. Flynn responded that it would be appropriate, noting the language prior to a building permit.

Chris Trammel, representing the First Congregational Church was present. He noted that they were notified as an abutter but they are not an abutter. He commented that Mr. Young and Mr. Winston have been excellent neighbors and did not think the Board would be wrong in supporting their improvements to allow for housing for their employees.

Ms. Maslowski moved to close the public hearing. Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

Ms .Maslowski moved that the Planning Board adopt the following finding of fact:

1. The applicant is Robert Young and Josh Winston, owners.
2. The subject property is 1006 Route 28 Map 35, Parcel B2-1
3. The property is located in the Commercial Highway 1 Residential Rural Zoning Districts and the DEP Zone II Water Protection District.
4. The application for two family use special permit, multi family use special permit and site plan review special permit was filed with the Town Clerk on March 26, 2025
5. Site Plan proposed conditions by Dan P. Croto Civil Engineer #46253 dated March 24, 2025, stamped in with the Town Clerk on March 26, 2025.
6. Two family special permit; A. The project does meet the 40,000 square foot minimum B. The building is connected by the same roof. C. The project does meet the required parking.

7. Multi family special permit; A. The building does contain three units with adequate entrances and bedroom sizes of 120 square feet per the Code of the Town of Harwich. B. The project is on town water. C. The project meets the required parking. D. The project meets the required open space. E. The project shall comply with all title 5 septic system requirements per the Board of Health approval.

8. In addition the Board finds relative to site plan review; A. The use as developed 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 the proposed use. This includes a provision of appropriate sewage treatment facilities which provide for denitrification when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds or salt water embayments.

Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

Ms. Maslowski moved that the Planning Board vote to approve the following waiver from the requirement of an 800 square foot per unit requirement for the two-family special permit proposed.

Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

Ms. Maslowski moved that the Planning Board vote to approve with conditions Case #PB2025-10 Robert Young and Josh Winston 1006 Route 28 for approval of a site plan review special permit, a two family use special permit and a multi family use special permit pursuant to Section 325-51N, Section 325-51Q and Section 325-55 of the Code of the Town of Harwich for the property located at 1006 Route 28 Map 35 Parcel B2-1 in the Commercial Highway 1, Residential Rural Zoning Districts and the DEP Zone 2 Water Protection District. This decision is based on the previous findings of fact with the following conditions of approval;

1. The applicants are Robert Young and Josh Winston, owners.
2. The subject property is 1006 Route 28 Map 35 Parcel B2-1
3. The property is located in the Commercial Highway 1 Residential Rural Zoning Districts in the DEP Zone 2 Water Protection District.
4. The application for a two family use special permit, multi family use special permit and a site plan review special permit was filed with the Town Clerk on March 26, 2025.
5. Site plan proposed conditions Dan P. Croto, PE Civil Engineer #46253 dated March 24, 2025 stamped in with the Town Clerk on March 26, 2025.
6. A revised site plan shall be approved by the town's Consulting Engineer and the Town Planner prior to the final certificate of inspection by the Building Department.
7. The proposed project does meet the criteria for all three special permits with the exception of the 800 square foot per unit requirement per the two family special permit. However, a waiver was previously approved by the Planning Board.

8. The project parcel is limited to a maximum total of seven bedrooms. The project shall comply with all Board of Health requirements for approval pertaining to the title 5 septic system.
  9. This decision shall run with the property. Conditions of approval shall be binding on future owners.
  10. The special permit shall not take effect until a copy of the decision, bearing the certificate of the Town Clerk that 20 days has elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period is recorded in the Registry of Deed and is indexed under the name of the property owner of record and the parcel address.
  11. The 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 GL 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 a 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 Town of Harwich.
  14. A stormwater drainage plan shall be approved by the town's Consulting Engineer prior to the issuance of any building permit.
- Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

Mr. Peterson took the Public Meeting out of order at this time.

- f. **Continued from April 8, 2025- Zoning By-law Amendments: - Accessory Dwelling Units (ADU):**
  - i. To see if the Town of Harwich will amend the Harwich Zoning By-laws by amending the following sections:
    1. Section §325-13, Use Regulations, Attachment 1, Table 1, Use Regulations: lines 1b and line 10 to allow Protected Use Accessory Dwelling Units as of right in all residential zones except Commercial Highway 2- (CH-2) and Industrial Limited (IL).
    2. Section 325-51(1)(1) to be deleted in its entirety.
    3. Section 325-94(A)(1) to be deleted in its entirety.
    4. Section §325-14 (T) by amending the Supplemental Regulations.
      - ii. These amendments will align the Zoning Bylaw with M.G.L. Chapter 40A, §3, 4 11 and 760 CMR 71.00 relative to regulating Protected Use Accessory Dwelling Units.

Mr. Peterson reopened the public hearing regarding 2025- Zoning By-law Amendments: - Accessory Dwelling Units.

Ms. Flynn noted that there are two slight amendments to the language she had provided in March. She gave a description of the Affordable Homes Act noting that it now includes ADUs in residential zoning districts. She gave the definition of an ADU. Ms. Flynn continued with a powerpoint presentation noting the changes in the language for ADUs in the Affordable Homes Act and how that directly affects Harwich. She noted which elements can be controlled by Harwich and what is being proposed as changes to the language in the By-laws. Ms. Flynn noted that the Board originally proposed 901-1000 square feet and the language is now modified to say up to 1000. She asked if that was a recommendation or a wish of the Board.

Ms. Maslowski was in favor of that wording but questioned if they should keep the owner occupancy required in one of the two units.

Ms. Tucker also was in favor of the wording and commented that there is no way to police the limited lease. The objective is to allow more ADUs and not make it more difficult for people.

Mr. Munns agreed with the proposed language and in not adding more restrictions that make obtaining an ADU more difficult.

Members discussed and agreed to not include the owner occupancy restriction.

Ms. Maslowski summarized that the Board agreed to include the working of up to 1,000 square feet and striking the owner occupancy requirement. She questioned the 6 month lease restriction.

Ms. Flynn asked that all Board members review the language. The current language is on the Town Warrant and any revisions would have to be done through an amendment.

Ms. Maslowski noted that they could approve the amendments at this meeting or just before the Town Meeting.

Ms. Flynn noted that she will send the amendments for counsel to review adding that the changes are not significant.

The consensus of the Board was to have a meeting just before Town Meeting to affirm the amendments.

Ms. Maslowski moved to continue the public hearing on the Zoning By-law Amendments Accessory Dwelling Units to Monday, May 5, 2025 no earlier than 6:00PM.  
Seconded by Ms. Brutti.

Vote: 6:0 in favor. Motion carried.

#### **IV. PUBLIC MEETING:**

a. **Case # PB2025-12 Daniel & Jessica nTurk, Owners**, through their Agent, Paul Sweetser PLS, seek endorsement of an Approval Not Required Plan of land to divide one existing lot, located at 240 Pleasant Bay Road, into 2 lots, 1 of which will be a panhandle lot. Lot 1 proposed parcel is approximately 40,894 square feet. Lot 2 proposed parcel is 29,580 square feet (ZBA Variance Case #2025-01). The parcel is in the Residential Rural (RR) District.

Mr. Peterson read Case #PB2025-12 as presented.

Paul Sweetser was present. He noted that it is an ANR and that he had been having conversations with Ms. Flynn.

Ms. Flynn noted that she was unable to print a staff report. She gave a brief summary and pointed out the lots on a map. She noted that this plan meets the minimum criteria for an ANR and this is not a subdivision. She encouraged the Board to endorse the ANR as presented.

Ms. Maslowski moved to approve the ANR for PB2025-12 Daniel and Jessica Turk, owners through their agent Paul Sweetser for a plan of lands in East Harwich MA as prepared for Daniel and Jessicas Turk dated March 3, 2025 revised April 7, 2025. Scale 1= 40 feet, prepared by Paul E. Sweetser professional land surveyor PO Box 1146, Dennis Port, MA 02639. Seconded by Ms. Tucker.

Vote: 6:0 in favor. Motion carried.

b. **Case # PB2025-13 Angelina Chilaka, Owner**, through their Agent, Paul Sweetser PLS, seek endorsement of an Approval Not Required Plan of land to divide one existing lot, located at 39 Main Street, into 3lots, 1of which will be a panhandle lot. Lot 1 proposed parcel is approximately 40,100 square feet. Lot 2 proposed parcel is 59,195 upland square feet (1589 wetland square feet). Lot 3 proposed parcel is 69,988 upland square feet (541 wetland square feet). The parcel is in the Residential Low-Density (RL) District.

Mr. Peterson read Case #PB2025-13 as presented.

Mr. Sweetser gave a brief history and description of the property.

Ms. Flynn showed the property on a map and gave a description of the proposed project. She noted that Mr. Sweetser has worked with Conservation regarding the wetlands. Ms. Flynn stated that her recommendation is to endorse the ANR as presented.

Ms. Maslowski moved to endorse the Approval Not Required plan for Case #PB2025-13 planned land in Harwich MA as prepared for Angelina Raneo Chilaka dated January 27, 2025 , scale 1=50 feet prepared by Paul Sweetser professional land surveyor PO Box 1146, Dennis Port, MA 02639.

Seconded by Ms. Tucker



Vote: 6:0 in favor. Motion carried.

**V. TOWN PLANNER UPDATE:**

a. Local Comprehensive Plan Update

Ms. Flynn noted that they are moving forward with the LCP and currently working on action items. It has been moved from this Town Meeting to a Special Town Meeting in the fall.

Ms. Flynn welcomed new Planning Board member Annie Newman.

**VI. ADJOURN**

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

Vote: 6:0 in favor. Motion carried.

Respectfully submitted,

Judi Moldstad  
Board Secretary