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**TOWN OF HARWICH
ZONING BOARD OF APPEALS
6:30PM WEDNESDAY, JUNE 18, 2025
263 SOUTH STREET
THE 204 CULTURAL ARTS MUNICIPAL BUILDING - AUDITORIUM
MINUTES**

MEMBERS PARTICIPATING: Brian Sullivan, Chair, Alexander Donoghue, Clerk, Christopher Murphy, David Nunnally, John August, Kenneth Dickson and Marilyn Raatz

MEMBERS NOT PARTICIPATING:

I. CALL TO ORDER; RECORDING NOTICE

Mr. Sullivan called the meeting of the Zoning Board of Appeals to order on Wednesday, June 18, 2025 at 6:32PM. He noted the purpose of the meeting and read the Recording 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 One Rd Map: 57 Parcel: H3, 0 Annasis Rd Map: 57 Parcel: H2, 0 Main St Map: 46 Parcel: M-10, 0 Main Street Map: 47 Parcel: C1-4, 324 Main St Map: 47 Parcel:B1 and B1-0 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 57C5 - Westerly direction abuts parcel 53 X3, 53 X3-A, 56 X2-4, - Southerly direction abuts 56-W6. Located in the RL Zoning District.

Mr. Donoghue read Case No. 2025-21 as presented noting that this case had been continued from Thursday, the 24th of April 2025.

1. Opening Remarks by Chair

Mr. Sullivan emphasized the significance of the night's discussion. He expressed gratitude to all staff involved in coordinating the meeting. Mr. Sullivan offered instructions to the public on obtaining information from the Town's website. He noted the purpose of Chapter 40B and that this hearing focuses on the potential effects of the proposed development on roadways, pedestrian access, emergency services and overall public safety. Mr. Sullivan explained the role of the Zoning Board of Appeals and that their questions are not an indication of their support or opposition. He noted who will be making presentations and commenting on the proposed

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project. Mr. Sullivan emphasized the guidelines for the ZBA's decision on an application and the importance of the Findings of Fact.

2. Traffic and Public Safety Study presentation by Pine Oaks Village IV

Jeffrey Durak, a Managing Partner with Vanessa Associates, the transportation consultants for the applicants, was present. He gave a slide presentation of a summary of the Transportation Impact Assessment, noting that their goal is safety for pedestrians, bicyclists and vehicles. Mr. Durak noted that this presentation is updated from a previous presentation and will continue to be updated throughout meetings. He noted the differences between the summer conditions and the off-season conditions. Also noted were the safety considerations, speed and crash history which described in detail. Mr. Durak commented on site lines and their recommendations. The next slides shown were a Site Location Map and Existing Conditions Context which he described in detail. He emphasized that data from the Town's Traffic Consultant's Studies is incorporated into his data for consistency. Mr. Durak moved to the Trip Generation slide and explained the data. He described the Trip Dispersal as shown on a slide noting that they consider both average conditions and peak summer conditions. Mr. Durak explained the Recommendations-Site Access and Circulation noting that they will be refined because of additional analysis they have been asked to undertake. He noted the need for sidewalks to accommodate children getting to school buses and parking for parents at the bus stop. He proceeded to Off Site Recommendations which included retiming the traffic signals to process additional traffic safely. He noted information on a Road Safety Audit which will result in additional recommendations and safety measures. The final slide was Transportation Demand Measures which included managerial recommendations for the project. Mr. Durak concluded by welcoming any questions and commented that a peer review results in a better project.

Mr. Sullivan noted that Mr. Dickson has joined the meeting at this time and that he had been monitoring the meeting during his commute.

Board members introduced themselves for the record as well as Michael Santos, Peer Review Consultant, Judy Barrette, Consultant with Mass Housing and Amy Kwesell, Town Counsel.

3. Traffic and Public Safety Peer Review presentation by VHB

Michael Santos, the Town's Peer Review Consultant, noted that he would be presenting an overview of the Peer Review that he submitted last Friday. He emphasized that it is the start of the Peer Review process. He gave a slide presentation noting their review of the Transportation Impact Study and the dates of the data submitted. Mr. Santos showed a slide which included a list of the purpose of the Review and what information is included as well as situations and data that are reviewed. He noted the study methodologies used under that Mass DOT guidelines which include both peak season and regular data analogies. Mr. Santos noted specific data and what information the Applicant was requested to provide now and in the future for more accurate updates. He noted that the intersection of Queen Anne Road and Pleasant Lake Avenue westbound is close to capacity and recommended re-evaluating operations at that intersection at a specific milestone of the project's completion. He reviewed recommendations on the internal roadways specifically noting the daycare center traffic issues. Mr. Santos commented that he had

not yet completed the site distance reviews. He confirmed the Applicant's data and noted what additional data will be needed and what should be reevaluated going forward.

4. Discussion between the Board, applicants regarding the Traffic and Public Safety and peer review

Mr. Sullivan addressed Mr. Durak regarding mitigation efforts and asked for clarification of data on the Queen Anne/Pleasant Lake Road intersection and the cost of those efforts. He asked if there had been any consideration for additional funds from other organizations.

Mr. Durak replied noting feedback regarding safety-related elements they have received that the Applicant would be responsible for as well as improvements that would be at no cost to the town. He also noted Grant opportunities for larger infrastructures which the Applicant would work with the town to identify.

Mr. Sullivan asked Mr. Durak how the Cape Cod Rail Trail would be accessed in this project. He also asked about the change in the original main driveway and how it affects the traffic disbursements.

Mr. Duran replied that there is no direct connection to the Rail Trail. He added that the change would lessen the impact on Queen Anne Road and improve traffic disbursements. Formalizing the Main Street access is a future discussion after the site line issue is resolved.

Mr. Sullivan referred to the day care facility and traffic primarily from within the development. He also suggested relocating the daycare center to lessen the traffic issues.

Mr. Durak noted that the daycare will be primarily but not exclusively for Village residents and that plans need to be reworked.

Mr. Donoghue also commented on the location of the daycare center and the possible problems regarding the safety of the children. He also suggested relocating the daycare center.

Mr. Murphy asked if thought had been given to having a turn lane on Queen Anne Road.

Mr. Durak responded with possibilities of the road configurations and the possible effects of those.

Ms. Raatz asked if the material regarding the traffic dispersal is something the Board can access. She also asked how the information is put together for public knowledge. Ms. Raatz also expressed concern about the Pleasant Bay Road intersection, asking if there is a way to redesign it and when the Board would get the information.

Mr. Duran replied that the information is within the traffic study and noted other places where the data can be accessed. He also noted that it will be revised. He explained where the data is collected for local knowledge. Regarding the intersection, that will be addressed in his response

to comments, noting the research that he will be doing as requested. He also explained the Awards and Grants that may be available and the timeline and availability of those.

Mr. August asked questions regarding the graphs and asked for additional information. He also asked for a table to use for comparison purposes regarding the level of services.

Mr. Duranwate replied that he will print the charts in black and white to be more easily seen. Regarding the level of services, he will extract those charts out.

Mr. Sullivan referred to his previous comments regarding traffic and road safety issues, impacts and not relying on possible future Grants or Awards. He referred to the current situation on Queen Anne Road and asked Mr. Santo's opinion of this traffic study and the impact of Pine Oaks Village (POV).

Mr. Santos replied that the word extreme can be subjective. He commented that after reviewing the traffic study, there is outstanding information necessary to evaluate. If all the comments regarding safety and traffic control issues are addressed, he would not call it extreme. However, he emphasized that he would need a definition of that word.

Mr. Sullivan called for a brief break.

5. Comments from internal Departments, Boards and Committees

Mr. Sullivan commented that there may not be time for Public Comment at this meeting due to time limitations.

Chief Considine commented that he appreciated the time to have the Police Department present to express concerns as well as the data presented by the engineers at this meeting. He emphasized the importance of what the Police Department sees day in and day out as well as the opinions of the residents in the community. He stated that it is his opinion that this project will impact on the Department's operations for calls for service, estimating an additional 75+ calls for service. He gave a detailed explanation of this statement. He commented on the safety of the area of study, noting serious safety concerns and unanswered questions. Chief Considine described the Department's current challenges in the area and gave statistics of motor vehicle incidents and accidents. He emphasized his major concerns about pedestrian safety and a school bus stop on Queen Anne Road. Chief Considine expressed concerns regarding the traffic queue, suggesting that the light signal situation be looked at sooner than proposed. He commented on other intersections that are currently dangerous and strongly suggested that the peer review include those intersections. Chief Considine noted other situations during the peak season when traffic would be diverted down Queen Anne Road. He referred to site lines and what his Department would require of the Applicant. He emphasized that safety and the residents are critical to this project.

Chief LeBlanc echoed the concerns that Chief Considine expressed. He noted his concerns of site design and project design and that the Department will have input during the permitting process. Chief LeBlanc commented on the impact to the Fire Department's operations and the

impact of 500 additional residents. He also noted that the emergency access road is not a benefit to the Department. He spoke positively about the facility management company.

Mr. Sullivan commented that there will be time for 5 people to make a public comment.

6. Discussion and vote by the Board to accept the proposal by TCR to conduct the peer review for the Environmental and Public Health Impacts study

Mr. Sullivan moved to accept a peer review contract with TRC to conduct the peer review for the Environmental and Public Health Impacts study. Seconded by Mr. Nunnally.

Vote: 7:0 in favor Motion carried.

7. Discussion between the Board and Applicants regarding topics of discussion for the next Public Hearing

8. Public Comments

Patrick Option of Kendrick Road, East Harwich spoke to the bicycle road safety issues noting concerns and data of the dangerousness of Queen Anne Road. He asked that the waiver for Article 5 not be approved.

Kristen Parker of Main Street and commercial property owner noted the adverse effects of POV IV to her residence and business. She noted the commercial traffic on Queen Anne and requested the POV be required to make improvements to the roads and intersections. She also requested more information and asked that POV consider a smaller version of this development.

A resident of Main street (name inaudible) commented that the primary objective of this project is to provide affordable housing, noting how the project is flawed and suggested a site location that meets the criteria for affordable housing.

Matt Sheehan of Rebecca Road and a Yarmouth Police Sergeant commented that the traffic study is insufficient. He noted the dangerousness of Queen Anne Road and the impact of the additional vehicles and residents. He also requested that the project be scaled back.

(Name inaudible) of 795 Depot Street, a police officer and supervisor of a traffic unit, commented that a two-day traffic study is insufficient and suggested it be done for a longer period and an extended area.

Mr. Sullivan noted that there will be four more months of hearings and more opportunities for Public Comments.

9. Discussion and vote to continue the Public Hearing.

Mr. Sullivan moved to continue Case No. 2025-21 to the next scheduled Public Hearing on July 9, 2025 located at 263 South Street, the 204 Cultural Arts Municipal Building with the hearing started no earlier than 6:30PM in the auditorium. Seconded by Mr. Murphy.

Vote: 7:0 in favor. Motion carried.

VII. ADJOURN