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**MINUTES
TOWN OF HARWICH
ZONING BOARD OF APPEALS
6:30PM, WEDNESDAY, JULY 9, 2025
263 SOUTH STREET**

THE 204 CULTURAL ARTS MUNICIPAL BUILDING - AUDITORIUM

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

PARTICIPATING REMOTELY: Amy Kwesell, Town Counsel and Michael Santos, Chief Engineering Consultant

I. CALL TO ORDER; RECORDING NOTICE

Mr. Sullivan announced that there would be an hour set aside for Public Comment at the beginning of the meeting.

Mr. Sullivan called the meeting of the Harwich Zoning Board of Appeals to order on Wednesday, July 9, 2025 at 6:30PM.

Members of the Board introduced themselves. Also participating were Christine Flynn, Town Planner and Rachel Lohr, Compliance Officer

Mr. Sullivan noted the purpose of the meeting and read the Open Meeting Law Notice. He noted the task before the Board, their responsibilities and guidelines.

Mr. Sullivan moved to adjust the Agenda and hear public testimony. Seconded by Mr. Dickson.

Vote: 7:0 in favor. Motion carried.

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 Section 20-23 and 760CMR56.00, 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.

July 9, 2025

Mr. Donoghue read Case No. 2025-21 as presented noting that the case has been continued from June 19, 2025.

Mr. Sullivan invited the public to speak. (see #5.)

1. Discussion by Board regarding Traffic and Public Safety Report

Mr. Sullivan noted that the Board had not yet had an opportunity to speak amongst themselves about their priorities for the balance of the meeting. He took a brief pause in the meeting for discussion.

Mr. Sullivan noted that infrastructure is not a problem or the responsibility of the applicant. He noted that Queen Anne Road is presently, at best, a D rated road and the proposed project would add a number of cars each day. He noted that the ZBA deals with written laws and written regulations, not strategy. Mr. Sullivan questioned how they will judge the project and if they can consider the current conditions on Queen Anne Road. He noted other questions he had regarding the traffic studies and that he would be asking the consultants for answers to his questions.

Mr. August noted his questions regarding the traffic on Queen Anne Road and the impacts of Pine Oaks Village (POV) IV and other developments. He also expressed that he wants to better understand public housing policies and the negative impact of the failure to meet the State's goals regarding affordable housing.

Mr. Dickson noted the need for more specific information regarding traffic and the Main Street and Depot Road 4-way intersection. He expressed concern about the additional 700 calls per year that the Fire Department anticipates and requested clarification.

Mr. Donoghue acknowledged the traffic concerns and problems on Queen Anne Road and Rte. 124.

Mr. Nunnally questioned the potential grants and if there are similar successful projects.

Mr. Murphy expressed concerns and asked about the parking for the daycare center. He noted that timeline for the project and suggested possibly slowing it down.

Ms. Raatz expressed concern about the difficult traffic situation and infrastructure.

Mr. Sullivan referred to the school buses and that he would want to know that the applicant has approached the town and the School Department to review having buses enter the property. Mr. Sullivan would also like to see a report, regarding the traffic dispersment and a main access from the development to Main Street.

Mr. Sullivan noted that Amy Kwessel, Town Counsel and Michael Santos, Chief Consultant, were both participating remotely. He asked how the Board would evaluate the fact that this project would be a step too far regardless of the present condition of Queen Anne Road.

Mr. Santos replied that he does not think this project will have that extreme an impact to allow the Board to deny it. There are issues that need to be addressed at the intersection of Queen Anne Road and Pleasant Avenue. He noted requests made to the applicant, to look into the geometry at Main Street and Queen Anne Road, address the issue with the lack of sidewalks and the applicant had been asked to provide an updated analysis.

Mr. Sullivan asked Judy Barrette for comments regarding State Housing/agencies that regulate 40B applications and the present situation with the traffic impact of this development on Queen Anne Road.

Ms. Barrette replied that the improvements that are the responsibility of the applicants have to be separated from the existing conditions. (most comments were inaudible)

Mr. Sullivan referred to the number of days the traffic study was conducted and the size of the development. He asked Mr. Santos if additional studies should be done as well as the assessment of Depot Road and Main Street.

Mr. Santos replied with the standards for traffic studies and in his opinion, for a residential project of this size and scope, the traffic study falls in line with industry standards. He noted a more recent study done and suggested that it would be beneficial to look at those traffic volumes and compare them to POV's traffic study.

Mr. Murphy referred to comments made by residents and that possibly there are other reference points and issues over a period of time. He asked if there are more stringent standards for other types of projects.

Mr. Santos replied that it is up to the Agency or Board that is reviewing the study. He noted that there are specific guidelines for a residential development which he described.

Mr. Donoghue asked for a definition of a typical day.

Mr. Santos responded with a description of a typical day and what types of days were included in the traffic study. He also suggested that studies could be done at other times and under different circumstances such as when school is in session.

Mr. Sullivan asked if Mr. Santos had considered any other data than what was generated by the applicant's traffic professionals.

Mr. Santos replied that they had initially only looked at the applicant's data . After the last meeting he made a comparison to the North Harwich traffic study which has newer data. He noted that the applicants had not responded to his comments and he asked that they do an analysis of the traffic volumes in the North Harwich traffic study and compare it to what they had done. He noted that the applicant's traffic study and the North Harwich traffic study are not off by magnitudes.

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

Attorney Peter Freeman, representing the applicant, identified himself for the record. He introduced the members of the team that would be speaking including engineer Joe Henderson. (the attorney's introductions were inaudible due to background noise) He noted that the presentation was on site-related traffic suggestions and also noted some changes that have been made to the proposed project regarding the location of the day care center which will be for residents only. He noted that responses to the peer review are being prepared. Atty. Freeman noted that the traffic study has been expanded and the trips generated have been updated with the elimination of the day care center.

Rich Plater, Principal Engineer with the Rosewood Group noted that his comments will be site related and generated by a peer review consultant. He referred to the first slide and noted the topics raised by the peer review consultant which he listed. He continue with changes to the Daycare/Childcare Facility. Another group of slides described the changes to the Fire Truck Emergency Access and the overall plan. Also explained was the School Bus Stop and Drop-off.

Mr. Sullivan asked how many buses they were anticipating and requested that the applicant speak with the School Committee or Administration regarding the timing of the buses.

Mr. Plater referred to a slide regarding Traffic Calming Measures which he described in detail. He continued to the Proposed Calming Traffic Measures. The next slide was for the Parking Allocation for Building Uses which he described in detail. He continued to the Parking Allocation Exhibit which he described and noted numbers of parking spaces both on and off street. He concluded noting that the updated plans will be submitted to the ZBA, the Town's traffic consultant and the Fire Department. He also noted additional issues that will be addressed.

Mr. August referred to the number of cars and road trips in and out of the development and asked for confirmation of that data.

Mr. Plater responded that Jeff would be able to answer that question. He noted that they calculate trips for the different size units.

Mr. Sullivan referred to the school buses and noted that if it is an insurance issue, the insurance company would take into account that children will not be loaded onto the buses on a busy road. He commented that if there is a denial, it be based on the additional cost of the insurance to load children on private property. He requested the amount of the increased insurance costs for the purposes of review and deliberation.

3. Traffic and Public Safety Peer Review presentation by VHB
4. Discussion between the Board, applicants regarding the Traffic and Public Safety Study and peer review
5. Public Comments from approximately 8:20pm-9:20pm

Sherry Stockdale of North Harwich spoke in opposition to the POV IV project noting traffic and safety issues. She noted existing conditions in the area as well as projected conditions and their impacts.

Denise Montgomery of 6 Queen Anne Road spoke in opposition to the POV IV project. She requested that the ZBA deny the POV's requests and take other actions, which she listed. She expressed concern about the size of the project and noted a petition that is being circulated.

Deb Hedgecock of 340 Main Street noted other projects currently going on in Harwich. She noted the excess traffic now and what is projected for the future.

Don Montgomery of 6 Queen Anne Road noted what he has witnessed at the dangerous intersection where his house is located. He gave data of motor vehicle accidents and noted the commercial traffic.

James (inaudible) of Main Street spoke in opposition to the POV IV project and expressed his concerns regarding traffic and safety. He noted the peer review traffic assessment and outline, the need for those recommendations and concerns to be addressed and the need for more updated information.

Ed (inaudible) of 440 Main Street spoke in opposition to the POV IV project noting that it does not fit into the Harwich community.

Matt Sutphin of Harwich Center spoke in opposition to the POV IV project noting the size of the project and the traffic and safety issues. He asked that the Board consider the Local Comprehensive Plan and what they want Harwich to look like in 20 years.

Mr. Sullivan acknowledge the people participating remotely.

Mark (inaudible) of 242 Main Street spoke in opposition to the POV IV project noting traffic and safety concerns on Queen Anne Road and the intersections.

Patrick Otton of East Harwich spoke in opposition to the POV IV project noting the current traffic and safety issues.

Teresa Johnson of North Harwich spoke in opposition to the POV IV project and noted the current dangerous traffic and safety issues. She noted the lack of sidewalks and bicycle lanes, the distance to services and the dangerous intersections. She asked that the ZBA consider denying all of POV's requests.

Jan Kelly spoke in opposition to the POV IV project. She read the Mass Vulnerable Road Users Law. She the negative effects of the increased traffic including traffic and safety concerns. She suggested that the ZBA do their own research on bicycles and on foot.

Michael MacAskill of Harwich referred to a comment made by the Chair at the last meeting and asked for an explanation of the comment. He also asked, regarding traffic safety, if the peer

review was performed using only Pine Oaks' traffic data or was the Town of Harwich's traffic report used in that as well. He noted traffic data that he was able to access and gave the numbers of cars. he referred to a statement by GHD regarding industry standards in the Peer Review and asked when the State standards referred to were written. He noted past motor vehicle accidents and asked for a definition of the word extreme.

Duncan Berry, Chair of the Planning Board, spoke as a private citizen. He commented on the nature of the proceedings calling it a strategic analysis of where Harwich is going. He noted the significant questions about traffic and safety issues. He asked that the Board introduce qualitative, analytic procedures and consider the concerns of the people in town regarding the scale of the project.

(name inaudible) spoke in opposition to POV IV, listing her reasons and noting traffic and safety issues. (most of the list was inaudible)

Jim (inaudible), who lives off Queen Anne, spoke in opposition to the POV IV project noting the exorbitant number of requested waivers which should not be allowed.

Arthur Boden of Harwich Center noted that Pine Oaks has been in town for decades and gave a positive overview of their projects. He spoke in support of the POV IV project and emphasized that they are neighbors.

Angela (inaudible) who lives close to the project, spoke in opposition to the POV IV project and noted the current traffic and safety issues. She noted the lack of sidewalks, past traffic accidents and expressed concern about safety. She suggested a smaller scale project.

Tom Burch resident and business owner on Queen Anne Road noted that he has to comply with town rules and regs while doing a project and asked the Board to do the same with the POV IV and not allow the waivers.

(name inaudible) spoke in opposition to the POV IV project noting the environmental impacts of a project of that size.

Paula Myles of Main Street spoke in opposition to the POV IV project noting the current dangerous traffic and safety issues, especially regarding school buses.

Kristen (inaudible) of 223 Main Street spoke in opposition to the POV IV project noting the size of the project. She spoke of a specific area on Queen Anne Road that is currently dangerous.

Sherry Stockdale commented that the fact that POV are neighbors is irrelevant to the situation. She noted the current traffic and safety issues on Queen Anne Road and the impacts of multiple current housing projects.

Michael MacAskill emphasized the extreme traffic conditions and noted the tax increases. He noted that Harwich is in the top five towns on Cape regarding the SHI (Subsidized Housing Inventory) List. He explained how houses fall off the SHI list and the issue of reduced taxes. He

noted the efforts of the Harwich Affordable Housing Trust towards affordable housing and the SHI list. He asked that the Board deny every waiver they can to allow the Select Board to take this to the State.

Denise Montgomery noted that the other Pine Oaks communities are senior communities. She noted, from experience, the issues of managing a housing project of that scale. She expressed her concerns of Pine Oaks' being ability to manage the project.

Two additional speakers at the end of the meeting:

Steve Gallerani of 368 Queen Anne Road asked about snow removal regarding parking and if the cars are not removed during plowing, will the Fire trucks still get through?

Atty. Freeman replied that he would defer to the traffic and civil engineers but there are management ways to clear the snow that are accepted industry wide, and the Fire Department understands that.

Paula Myles commented on 40-foot fire trucks making a hairpin turn onto Queen Anne Road and suggested that it is something to consider.

6. Discussion and vote to continue the Public Hearing

Mr. Sullivan noted that the next meeting is August 6th, and the plan was for site plan storm water drainage. He noted that the recommendation for the next meeting is to continue with the traffic study and other information to wrap up that subject. The site plan storm water drainage discussion will either be later during that meeting or delayed for another time. He commented that he does not expect to complete the meetings prior to October 21st. He asked Atty. Kwesell if an extension of the meetings had to be a request from the applicant.

Atty Kwesell replied that the Board can ask the applicant to extend the 180 days. She noted that the applicant did ask for an extension at this meeting because one presenter wasn't ready. She suggested that the applicant may voluntarily request an extension of 30 days.

Mr. Sullivan noted that the auditorium books up quickly and commented that he would like to be proactive and extend another 60 days to book the auditorium. He emphasized the importance of the availability of the voters. He asked Atty. Kwesell for her suggestion regarding the extension.

Atty. Kwesell suggested an extension of 30 days and to then reassess. She noted that she would discuss it with Atty. Freeman.

Atty. Freeman agreed with Mr. Sullivan's concerns and wants to be accommodating. He also noted that it is only July. He asked for the Boards understanding noting he would discuss it internally and will in all likelihood grant an extension in August.

Mr. Sullivan replied that he would prefer to schedule a November date now or as soon as possible.

Atty. Freeman replied he will send an answer to Ms. Lohr prior to the August meeting.

Mr. Sullivan noted the time as 9:21PM and opened Public Comment to two more speakers.
(added to the end of #5)

Mr. Sullivan asked Mr. Santos if they would be including an additional traffic study including Main Street and Depot Road.

Atty. Freeman replied that that data is included in the analysis that Jeff will be doing,

VII. ADJOURN

Mr. Donoghue moved to continue Case No. 2025-21 to the next scheduled public hearing on August 6th, located at the 204 Cultural Arts Municipal Building with the hearing starting no earlier than 6:30PM in the auditorium. Seconded by Mr. August.

Vote: 7:0 in favor. Motion carried.

Mr. Sullivan adjourned the meeting at 9:26PM.

Respectfully submitted,

Judi Moldstad
Board Secretary

July 9, 2025