

RECEIVED
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HARWICH, MA
2025 SEP -2 P 1:56:30 PM WEDNESDAY, AUGUST 6, 2025

**MINUTES
TOWN OF HARWICH
ZONING BOARD OF APPEALS
Change of Venue
100 Oak Street
Harwich Community Center, Multi-Purpose Room**

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

I. CALL TO ORDER; RECORDING NOTICE

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

II. PUBLIC HEARINGS

Case No. 2025-21 Queen 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 Road Map: 57 Parcel: C5, 55 Queen Anne Road Map: 57 Parcel: C2, 57 Queen Anne Road Map: 57 Parcel: C3, 0 Queen Anne Road Map: 57 Parcel: C6, 99 Queen Anne Road Map: 57 Parcel: H1, 0 Queen Anne Road Map: 57 Parcel: H#, 0 Annasis Road Map: 57 Parcel: H2, 0 Main Street Map: 46 Parcel: M-10, 0 Main Street Map: 47b Parcel: C1-4, 324 Main Street 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 X2-3 and 56 X2-4 - Southerly direction abuts 56-W6. Located in the RL Zoning District.

1. Opening remarks by the Chair

Mr. Sullivan thanked members of the community for their participation. He also gave an overview of the meeting Agenda and the anticipated time for Public Comment.

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

2. Continuation of the Traffic and Public Safety Study presentation by Pine Oaks IV (30 minutes)

August 6, 2025

Peter Freeman, representing the Applicant and introduced others who are participating and present, Bob Doane, Greg Winston and the Engineer. Participating remotely was Jeffrey Dirk Traffic Engineer.

Jeffrey Dirk participated remotely and gave a brief presentation of their responses. He noted their 2023 Transportation Impact Assessment and the response to comments by VHB, Police and Fire Departments and those of the ZBA. He specifically noted the traffic changes by having the daycare center being just for residents as well as other data related to intersections, lines of sight and improvements to an intersection. Mr. Dirk noted a Road Safety Audit which will be paid for by the Applicant. He showed the updated Traffic Disbursement and described the data in detail. Mr. Dirk noted and described a list of Recommendations to Site Access and Circulation. Also noted was a list of Recommendations for Off Site, both long- and short-term improvements, which Mr. Dirk explained in detail. He also noted and described the proposed capacity and safety improvements and the Applicant's contribution to both. Mr. Dirk noted Transportation Demand Management Measures which the Applicant will undertake.

Mr. Sullivan requested and demanded that the consultants be present at the meetings to give their presentations because of the audio problems that exist online. He commented that it is not doing the best service to the community to hear the presentation with the poor audio situation. He also requested that this presentation be available on the Town's website as soon as possible for the public to review.

Mr. Sullivan confirmed with Mr. Dirk that some of the data is from the North Harwich Study which was commissioned by the Town with VHB. He then asked questions related to Queen Anne Road, the right of way and sidewalks. His question was directed to both Mr. Dirk and VHB. He also asked questions regarding the data related to the proposed changes to the daycare center. Mr. Sullivan also asked if there was any reason why the Town would not permit a stop sign on Main street in front of the driveway and suggested the benefits to having one at that location. He also asked that other traffic calming measures be considered.

Mr. Dirk replied and responded to questions in detail. Regarding the suggestion of a stop sign, he believes that it would have to be reviewed as it relates to motorists' expectations.

Ms. Raatz asked what facts or conditions Mr. Dirk is using to base the assertion that biking and walking along Queen Anne and Main Street would be safe or appealing to people.

Mr. Dirk responded to and answered Ms. Raatz question noting that there is a need for improvements which the Applicant is prepared to assist the Town with.

3. Continuation of the Traffic and Public Safety Peer Review presentation by VHB (30 minutes)

Michael Santos of VHB participated remotely and noted that they had received the Applicant's response to comments. VHB will be submitting a formal comment to those responses after this meeting. He began his presentation with the Transportation Peer Review Timeline. Mr. Santos reviewed the Updated and New Items proposed by Pine Oaks IV. He noted the recommendations

that Pine Oaks is proposing as well as how they will be implemented. He also requested that Pine Oaks put their recommendations on a plan for the public to see.

Mr. Sullivan requested that the plan be put on the website.

Mr. Santos spoke to each of the recommendations, expressed his concerns and made suggestions.

Mr. Sullivan suggested that it is the responsibility of VHB and the Town to generate a report regarding the right of way on Queen Anne Road.

Mr. Santos agreed to work with the Town to add details to the recommendations, including the right of way. He noted a list of next steps which he described.

Mr. Sullivan asked that Board members introduce themselves for the record.

Mr. Dickson asked about the Applicant having no obligation to off-site improvements, commented on what they had offered to do and asked for clarification.

Mr. Sullivan asked if Judy Barrett, the consultant from Mass Housing, was online to speak to that issue. She was not online. Mr. Sullivan stated that from what he read, infrastructure issues of the Town are not the responsibility of the Applicant. However, the Applicant may make every effort, collaborating with the town to provide the best situation for the town and the residents. He commented that the Applicant's recommendations show their commitment to the town. Mr. Sullivan explained the Town's responsibility specific to the 40Bs. He read a statement regarding concerns about traffic and safety along Queen Anne Road and the actions of the Select Board and VHB's study. He noted that existing traffic status and infrastructure issues are not the responsibility of the applicant. He noted what the Board can do as related to traffic and the proposed development. Mr. Sullivan read a list of suggestions which he directed to Town Administration, the Select Board and Town Committees. He emphasized that it is time to take action and consider solutions to the area's traffic issues.

Mr. Sullivan requested that both Pine Oaks IV's presentation and VHB's presentation be available on the website. He also asked that a summary of all the improvements or where the Applicant is going to work with the town, be written down.

4. Site and Civil Design Plans, Stormwater and Drainage Plan Presentation by Pine Oaks IV (40 minutes)

Joe Henderson of the Horsley Witten Group was present with Rich Claytor. Mr. Henderson began with an overview of the presentation. He noted the Plan Updates which he described. He continued with the Site Layout and described the phases. Mr. Henderson gave an overview of the parking and showed a site layout of the amenities.

Mr. Claytor covered the stormwater management items. He began with Stormwater Analysis, described Water Quality Units, Natural Depressions and Underground Stormwater Chambers. He

noted an update to the Daycare/Childcare Facility. Mr. Claytor summarized the Site and Stormwater Peer Review. He showed a plan of the 8 foot wide parking spaces. He responded to Mr. Sullivan's concerns about the 8-foot wide versus the 9-foot-wide parking spaces. Mr. Claytor noted that Pine Hills in Plymouth has the same size parking spaces that he is referring to and he noted the intent of the narrower roads and smaller spaces.

Mr. Sullivan read the recording notice.

5. Site and Civil Design Plans, Stormwater and Drainage Plan Peer Review by VHB (30 minutes)

Frank DePietro, Civil Engineer with VHB gave an overview of their scope of work which. He addressed the technical components of the requested waivers. He made suggestions of waivers that should be requested and also noted specific concerns to be addressed. He also commented that there is more information that has not yet been received that VHB will have to review.

Mr. Sullivan requested that the Board and the community receive a report as to what the issues are that still need to be addressed by the Applicant regarding the site plans for parking as well as stormwater management, etc.

Mr. DePietro replied that he will supply that after VHB has seen and reviewed the new plans.

Mr. Henderson commented that he anticipates having the revised plans completed in August. He will also address the issue of parking spaces.

Mr. August asked a question regarding concerns about the stormwater runoff from the Pine Oaks Village property or runoff onto Pine Oaks Village property from other properties. He also asked how the stormwater is diverted. Mr. August asked about the roof drains.

Mr. Claytor replied that there is no runoff to adjacent properties and explained the stormwater runoff design. He also explained how the water is diverted. Mr. Claytor described the design of the roof drains.

Mr. Sullivan commented on the challenges of sorting through all the information and plans at a meeting. He noted that he will be making motion formally requesting that the Applicant present their proposed site and stormwater management plans to the Harwich Planning Board and Conservation Commission and explained why he feels it would be important and helpful. He noted that it is a decision between the Applicant and the Boards to schedule those presentations if they chose to do so.

Mr. Sullivan moved, as part of the ZBA's review of this Chapter 40B Comprehensive Permitting Application, the Harwich Zoning Board of Appeals is formally requesting that the Applicant present their proposed site plans, grading and erosion control plans and stormwater management plans to the Harwich Planning Board and the Harwich Conservation Commission. This request is not for the purpose of obtaining formal approvals from those Boards but rather to solicit advisory input, technical recommendations and feedback on matters that ordinarily fall within the

respective jurisdictions and understand local permitting. The Applicant has requested waivers from several local regulations, some of which in a non 40B application would be subject to direct review and approval of the Planning Board and Conservation Commission. These include waivers related to subdivision control, stormwater management, site development standards and local wetland by-laws. Given that the Harwich Board of Appeals is the sole permitting granting authority in this 40B process, it is important that we consult with the Boards that typically oversee these areas to ensure a thorough and well-informed decision. We ask the Applicant to schedule these presentations promptly so that their comments can be considered in part of our deliberations.

Mr. Dickson noted that the ZBA cannot require the Applicant to do what is being requested, it is optional.

Mr. Sullivan responded that he will consult with the Town's attorney on how this will be handled.

Seconded by Ms. Raatz.

Vote: 7:0 in favor. Motion carried unanimously.

Mr. Sullivan asked that the Applicant contact the Board after they have considered this request.

Mr. Henderson responded that he believes it is not appropriate that the Applicant make such a request. He will speak with Christine Flynn and if she advises, those two Boards can ask the Applicant to attend a meeting for informational purposes and to get some feedback from them, they will do that. Also he noted that there are detailed plans and analysis and he does not think meeting with those Boards alone will accomplish what has already been done. His intention now is to cooperate.

Mr. Sullivan noted that he has written a memo to both Boards requesting their cooperation.

Mr. Henderson noted that the Planning Board and Conservation Commission have already received all the plans mentioned. There is also information on the website which the other Board members have access to and could review.

Mr. Sullivan read a paragraph from his memo to the two Boards.

Mr. Dickson asked how many residents are anticipated to live in Pine Oaks Village IV if completed as proposed.

Mr. Doane replied that the maximum number of residents is 521.

Mr. Sullivan asked for the site location map to be put up on the screen and confirmed the frontage. He noted that the plan shows acreage down to Main Street which was not on a previous plan. He asked why it is not included in the site plan.

Mr. Doane replied that it has always been both on the plans and their initial presentation. He noted a parcel that they own but is not currently part of the project.

Mr. Sullivan asks if there were plans for those 12 acres.

Mr. Henderson replied that he could not answer that. He commented that whatever the zoning allows could be done but there are no present plans to have another phase.

Mr. Henderson commented on the Massachusetts Environmental Policy Act and that it does not allow for segregating a project. What the ZBA has is a proposal for the 40B project.

6. Public Comments (30+ minutes)

Sherry Stockdale of North Harwich commented on the capacity as being closer to 890-1000 people and asked that the Board be clear about that number. She also commented on the traffic increases and the State's requirements for grants.

Matt Sutphin gave a picture of landscape to Mr. Sullivan. He commented on the Local Comprehensive Plan and not destroying hamlets. Mr. Sutphin spoke against the 40B and its effects on Harwich.

Ed ___ of 48 Main Street asked if the 8 feet by 20 feet parallel parking is a two-way street, how if two cars could pass.

Mr. Henderson explained that it is 10 feet plus 10 feet plus the 8 feet.

Paula Miles of North Harwich asked about bicycles being ridden within the project.

Sue Shaw of 326 Main Street commented on the cost of sidewalks and questioned if they are necessary. She suggested that Pine Oaks should cover what the State does not cover to protect Harwich taxpayers.

Unknown speaker noted that 2 Flex buses would be going in and out of the development every hour and asked how that would affect traffic.

(Name audible) of Main Street commented on and against a stop sign on Main street.

Frank Cornwall of Harwich port commented on the existing traffic situation.

Paula Miles commented on Pine Oaks becoming a cut through for traffic.

Sherry Stockdale spoke about the effects of the increase of commercial traffic.

Mr. Sullivan asked (mostly inaudible in the recording) about a hydrologist looking at the plans.

Mr. Henderson replied that he is a hydrologist and explained the process they go through to review a plan.

7. Future Fall 2025 Scheduling and Applicant Extension for Town Review (10 minutes)

Mr. Sullivan asked if the Applicant had discussed extending the meetings another month.

Mr. Freeman replied that it had been discussed but the Applicant would not be agreeing to an extension at this time.

Amy Kwesell commented that the peer reviewers need to lead off the meeting and not the Applicant's engineers. The peer reviewers need to make sure that everything they have asked for has been addressed. She suggested that the ZBA needs to concentrate on the issues their peer reviewers have brought up.

Mr. Sullivan agreed and requested that everyone be present for the meeting.

8. New/Other Business

9. Discussion and Vote to Continue the Public Hearing to September 17, 2025
(Community Center)

III ADJOURN

Mr. Sullivan moved to adjourn this meeting and reconvene this meeting on September 17, 2025 at 6:30PM at the Community Center. Seconded by David Nunnally.

Vote: 7:0 in favor. Motion carried. Meeting adjourned at 9:35pm.

Respectfully submitted,

Judi Moldstad
Board Secretary

August 6, 2025

