

**MINUTES
TOWN OF HARWICH
ZONING BOARD OF APPEALS
204 CULTURAL ARTS MUNICIPAL BUILDING, AUDITORIUM
263 SOUTH STREET, HARWICH, MA
WEDNESDAY, SEPTEMBER 17, 2025 - 6:30PM**

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

ALSO PARTICIPATING: Christine Flynn, Town Planner and Amy Kwesell, Town Counsel.

I. CALL TO ORDER; RECORDING NOTICE

Mr. Sullivan called the meeting of the Harwich Zoning Board of Appeals to order on Wednesday, September 17, 2025 at 6:30PM and stated the purpose of the meeting. Members of the Board introduced themselves for the record.

II. CONTINUED PUBLIC HEARING FROM AUGUST 6, 2025:

Case No. 2025-21, Queen Anne Acres LLC and Mid Cape Church Homes, Inc. d/b/a Pine Oaks Village Homes. PO 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 Anne Rd Map: 57 Parcel: H3, 0 Annasis Rd Map: 57 Parcel: H2, 0 Main St. Map46 Parcel: M-10, 0 Main StMap: 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 X2-3 and 56 X2-4 - Southerly direction abuts 56-W6. Located in the RL Zoning District.

1. Opening remarks by the Chair - 5 Minutes

Mr. Sullivan noted the topics to be discussed at this meeting, gave an overview of the Agenda and the presentations.

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

Peter Freeman, Attorney for the Applicant introduced Brian Madden and Joe Henderson.

2. Environmental, Wetlands and Rare Species Presentation by Pie Oaks Village IV - 20 minutes*

Brian Madden, Environmental Consultant explained the scope of their work and gave an overview of what would be presented. Mr. Madden gave a slide presentation and noted the wetlands which have been identified in the area of the proposed project. He stated the findings of the evaluations.

Mr. Henderson gave a slide presentation and explained the buffer zones related to the identified wetlands.

Mr. Madden continued the presentation regarding endangered species and fisheries requirements and whether or not they apply to this project.

Mr. Henderson described the proposed wastewater plant in detail. He also described what is included in the hydro geologic report as well nitrogen reduction and next steps.

a) Followed by Board and Applicant Questions & Comments - 10 minutes

Board members asked questions regarding the wastewater treatment plant, alternatives to that system and the requested waivers which Mr. Madden and Mr. Henderson answered in detail.

3. Environmental, Public Health, Wetlands and Rare Species Impacts Peer Review Presentation by TRC - 45 minutes*

Jeff Hershberger Senior Hydro Geologist of TRC presented the peer review on behalf of the Town of Harwich. He spoke in general about the property, the reviews that had been done and the results of those reviews. Mr. Hershberger also noted that there are no known rare species on the property and continued with the results of the review regarding utilities. He noted recommendations that TRC would make to the Town regarding different aspects of the proposed project. He spoke about construction and driving water sources, the review results and recommendations. He noted treatment of water sources and protection areas which he described in detail. Mr. Hershberger showed a slide with water sources, wells etc and described all in detail. He noted recommendations regarding construction, suggestions regarding incidences with fuel, saline use on roads, walkways and driveways, emphasizing the need for the applicant to communicate with the Town regarding all items noted.

Mr. Hershberger continued with a presentation on the Public Health Peer Review and focused on the wastewater. He noted the reviews that had been conducted, the results of those reviews and TRC's recommendations which he explained in detail.

Mr. Hershberger continued with the Geotechnical Peer Review. He explained what is involved with the review, the results of that review and TRC's recommendations which he described in detail.

Ryan Clapp, Wetland Scientist with TRC gave a peer review on Wetlands and Rare Species Impacts for the Pine Oaks Village (POV) Project. He explained what had been reviewed regarding wetlands and rare species impacts, the results of those reviews and TRC's recommendations in detail.

a) Followed by Board Questions and Comments - 10 minutes*

Board members asked questions about wetlands, storm management and State standards which Mr. Clapp answered in detail.

Mr. Sullivan asked Atty. Freeman questions regarding the requested waiver which Atty. Freeman responded to.

Mr. Henderson also responded to questions regarding stormwater, recharge and POV's plans regarding both.

4. Amy Usowski, Harwich Conservation Agent - 10 minutes*

Ms. Usowski noted the impact the Conservation Department and Department of Environmental Protection have on the project. She gave her comments and suggestions on all the documents presented that evening. Ms. Usowski also noted what the process and reviews will be moving forward, according to State Requirements.

a) Followed by Board and Applicant Questions and Comments - 5 minutes

In response to Mr. Sullivan's question, Ms. Usowski noted the Harwich By-laws and how they could impact this project.

5. Stormwater Management Peer Review Update by VHB - 10 minutes*

Rich Senior Engineer of VHB noted that they had provided two peer reviews. He noted the applicant's updated plans with an updated photometric as a response to the peer review. He also noted other responses which have not yet been evaluated. Also noted were GHB's recommendations for the applicant prior to the start of construction as well as recommendations to the ZBA regarding what conditions should be placed on the applicant.

Mr..... continued with other storm water items such as future growth, noting what had been reviewed, the results of those reviews and GHB's recommendations.

a) Followed by Board and Applicant Questions and Comments - 5 minutes

The Board members asked questions regarding fertilizer use which Mr. Henderson answered.

6. Site and Civil Design Peer Review Update by VHB - 5 minutes

Mr. Hershberger noted that he had covered this subject in his previous presentation.

a) Followed by Board and Applicant Questions and Comments - 5 minutes

Mr. Sullivan asked for clarification of information in the reports regarding roadways which Mr. Hershberger answered in detail.

7. Christine Flynn, Director of Planning and Community Development, Summary of Planning Board Discussion - 5 minutes*

Ms. Flynn referred to last week's Planning Board meeting and their discussion on the POV Project. She noted that the Planning Board will be submitting a letter from their next meeting. As the Planning Director, Ms. Flynn noted that the Project is consistent with the 2025 Housing Production Plan, the final draft of the 2025 Local Comprehensive Plan and the Cape Cod's Regional Policy Plan. She also noted that the Project surpasses the requirements of the Comprehensive Permit. Ms. Flynn noted the responsibilities and charges of the Planning Board. Regarding the width of the roadways, Ms. Flynn recommended that the ZBA grant the waiver and she stated her reasons. She noted her recommendations regarding stormwater and her recommendation that the ZBA accept offers of the applicant to work with the town regarding traffic issues. Ms. Flynn noted the Planning Department's recommendation regarding the emergency access road, changes in the lighting plan, changes of Childcare and Community Centers as well as other recommendations.

a) Followed by Board and Applicant Questions and Comments - 5 minutes

Board members asked questions regarding the Subsidized Housing (SHI) List and the Town's goals.

8. Public Comments - 60 minutes*

Mr. Sullivan explained the order in which the Public Comments would be taken.

Patrick Otton of East Harwich commented on and expressed his opinion regarding the negative environmental effects of POV IV, which he described in detail. He asked that the ZBA not enable POV IV.

Amy Usowski asked the engineer's for the lifespan of a permeable reactive barrier.

Mr. Henderson answered and also described the process of reestablishing them.

Sherry Stockdale spoke about the wastewater system proposed for POV IV, the area of asphalt, the use of pesticides and the negative effects of POV IV to wildlife and the environment.

Board members asked the applicant questions regarding the use of pesticides and whether the applicant had requested waivers in that regard. The applicant did not have an answer but will research and respond at the next meeting.

Mr. (name in audible) of 448 Main Street, commented on rodenticides, that residents are not allowed to use them and that the applicant had requested a waiver to be allowed to use them. He listed the negative effects of using rodenticides to the environment and wildlife.

Carrie Schoener, Health Director noted who oversees the pesticide applications at the State level, that there is not a ban in Harwich and that the State permits treatment plants. She offered instructions to residents who would like to submit their comments to the State.

Mr. Henderson commented that POV can probably eliminate that request.

Joe Fife of 49 Bakers Dive spoke about the increase in population on Cape and the lack of growth of wastewater facilities. He commented on the negative effects of the POV IV to the Herring River.

Christine of 448 Main Street directed her questions and comments to Christine Flynn.

Theresa Johnson of North Harwich commented on the Harwich's current water ban. She noted housing developments in other towns and how much water they use. She calculated what POV IV will use.

Tom Burch of Queen Anne Road commented on the amount of water that will be used by POV IV and the adverse effects of POV IV on the Herring River.

An unidentified woman related a story about rain damage in another town and explained how it could happen in Harwich.

Sue Shaw of 365 Main Street commented on the excessive size of the project and the effects on the Herring River, the environment and ecosystem. She suggested using existing buildings for affordable housing.

Sherry Stockdale commented on affordable housing converting to market rate. She also commented on turtles and reptiles and the habitat destruction that will be caused by POV.

Atty. Kwesell noted the conditions that will be in the agreement regarding the market rate issue.

Matt Sutphin of Harwich Center commented on the SHI List and the lack of urgency to increase the numbers.

Mr. ...of 448 Main Street commented that POV IV does not serve the people who need affordable housing.

Tom Burch commented on the amount of water that the landscaping will require.

Sue Shaw commented that most of the flyers that had been posted for this meeting had been removed and noted the penalties for removing bulletins for public notice.

Mr. Sullivan noted that the meeting had been posted on the website, Town Hall and the Community Center.

Ms. Raatz requested that the applicants very clearly state, for the next meeting, how the units are going to be rented, the cost of them and for how long.

Judy Barrette did not have any comments for the Board and offered her assistance if needed.

9. Future Fall 2025 Scheduling and Applicant Extension for Town Review

Mr. Sullivan noted that the next meeting, after September 24, 2025 is October 15, 2025.

Mr. Sullivan noted scheduled future dates and a possible discussion to extend the hearings beyond the current conclusion date of October 21, 2025. He also noted the timeline of events after the conclusion date including the ZBA's deliberation period and decision filing period.

10. New/Other Business

11. Discussion and Vote to Continue Public Hearing

Mr. Sullivan moved to continue Case No. 2025-21 to the next scheduled Public Hearing on September 24, 2025 at 8:00PM at the Harwich Town Hall in the Griffin Room. Seconded by Mr. Dickson.

Vote: 7:0 in favor. Motion carried.

Mr. Sullivan stated that the public is invited however there will be no public comment at that meeting. The meeting is a discussion period for the Board.

III. ADJOURN

Mr. Sullivan adjourned the meeting at 9:42PM.