

**MINUTES  
TOWN OF HARWICH  
ZONING BOARD of APPEALS  
6:30PM WEDNESDAY, OCTOBER 15, 2025  
263 South Street, Harwich, MA  
204 Cultural Arts Municipal Building, Auditorium**

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

**ALSO PARTICIPATING:** 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, October 15, 2026 at 6:30PM and read the Recording Notice.

**II. CONTINUED PUBLIC HEARING FROM October 14, 2025:**

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 Anne Rd Map: 57 Parcel: H3, 0 Annasis Rd Map: 57 Parcel: H2, 0 Main St Map: 46 Parcel: M-10, 0 Main St Map: 47 Parcel: C1-4, 324 Main St Map: 47 Parcel: B1 and B1-0 and, 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 57 C5 - 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's opening remarks spoke about the Boards and Committees being comprised of volunteers. He emphasized the importance of everyone's opinions and voice. Mr. Sullivan also encouraged residents to consider applying to serve on a Board of Committee. He thanked the members of the ZBA for their time and hard work.

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

**2. Introduction of Board Members**

Board members introduced themselves.

Mr. Sullivan noted an error in the Agenda.

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Mr. Sullivan moved to adjust the Agenda, after #4 to have a discussion between the Board and the Applicant regarding Conditions. Seconded by Mr. Donoghue.

Vote: 7:0 in favor. Motion carried.

### 3. Presentation by TRC Consulting Rene Gargnon

Mr. Gargnon, Engineer with TRC, began his slide presentation with Environmental-Stormwater Peer Review noting construction and dewatering practices and recommendations all of which he explained in detail. He also noted the sizing of the 25-year versus 50 year storm event and TRC's recommendations.

Mr. August asked questions regarding stock piling which Mr. Gargnon answered in detail and Mr. Claytor and Attorney Freeman responded to. Atty. Freeman stated for the record that he would provide a copy when it is filed closer to the conclusion of the construction and that it is not something that the town reviews. He had stated specifically that he did not want a condition that says the applicant submits it to the town to review. The final copy will be on file with the EPA.

Mr. Gargnon explained the EPA's involvement in the project as well as the town's.

### 4. Continued Review of Waiver Request by Pine Oaks Village IV a) Discussion by Board with Applicant

No other discussion, questions or concerns were expressed.

**\*\* Discussion regarding and reviewing conditions**

Mr. Sullivan referred to documentation and recommendations from Town Departments previously submitted and documentation with responses to the conditions from the applicant, which they had just received this evening. Mr. Sullivan suggested they begin the discussion with the responses from the applicant.

Atty. Freeman noted that there are items that were red lined in the conditions and that the applicant has their own proposed conditions. He noted that there are much more agreements than it appears.

Mr. Sullivan began with the October 15th memorandum listing topics to be addressed, GHD's recommendations to each and the applicant's responses to each.

It was noted that the documents made available to the public did not reflect the items being discussed.

Board members asked questions and Mr. Claytor, Engineer for the applicant, responded and commented on individual issues.

Atty. Freeman noted that although it is the first time Mr. Sullivan is seeing the document with the applicant's responses, all subjects have been previously discussed.

Mr. Sullivan continued with transportation conditions, noting specific roads and situations. He also noted that there is a difference of opinion between the Police Department and the Highway Director regarding the timing of the Pleasant Lake Avenue work. Mr. Sullivan emphasized that he wanted to ensure that the town departments are in agreement before moving forward.

Mr. Sullivan continued with the conditions regarding Queen Anne Road. Mr. Sullivan explained that the speed signs are State regulated and cannot be changed without State approval. He continued to the North Harwich area.

Atty. Freeman noted that the applicant will need to put in time limits regarding specific conditions.

Ms. Sullivan commented on the important information that has been attained throughout this process regarding traffic and road safety. He suggested that the town should start planning the improvements to the infrastructure.

Mr. Sullivan continued with the draft copy of the conditions which had been compiled by the Town Departments, the ZBA, the Conservation Agent and the Planning Director as a result of the hearings. He also referred to a memo from Judy Barrett, Housing Consultant, which had recommendations regarding the conditions.

Atty. Kwesell noted that the ZBA had received the applicant's response to the conditions at 3:07PM.

Mr. Sullivan suggested that he read what the Town had proposed and then have Atty. Freeman respond and explain his edits.

Atty. Kwesell stated that if she and Ms. Barrett had time to review the applicant's responses, there is a good chance they would agree with some. Her suggestion was that the Board not review the responses at this time.

Atty. Freeman agreed with Atty. Kwesell's suggestion and stated that he would meet with Atty. Kwesell and Ms. Barrett.

Mr. Sullivan stated that he would continue the discussion and not reschedule the hearing.

Mr. Sullivan continued and read comments by the Conservation Agent. He noted that the applicant and the Conservation Agent would be working together on how they will handle any intrusion on the 100 foot buffer zone and removing invasive plants.

Mr. Sullivan continued through the list of conditions regarding wetlands, endangered and rare species which Atty. Freeman responded to suggesting a change in language.

Mr. Sullivan continued with conditions regarding stormwater discharge.

Atty. Freeman responded and explained his edits.

Mr. Sullivan continued with the Police Department, Public Works Department and the Cape Cod Commission's recommendations.

Mr. Sullivan referred to a comment from Ms. Barrett noting that the Board does not have the jurisdiction to set rents. That is under State control.

Mr. Sullivan continued with recommendations from the Historic Commission which Mr. Claytor responded to.

Conversation continued regarding the conditions regarding rental fees and the local preference lottery. Also discussed was affordability income restrictions being protected into perpetuity.

Atty. Freeman explained his edits and explained what the applicant is requesting relative to restrictions and perpetuity.

Atty. Kwesell commented on the lottery conditions, local preference and her suggestions of changes to the language.

Mr. Sullivan called for a five-minute break at 8:15PM.

Mr. Sullivan continued with the discussion regarding conditions with comments and recommendation from the Cape Cod Commission Which Atty. Freeman responded to. There was conversation regarding the widening of Annasis Road and Atty. Freeman responded, described the ancient way in detail and explained why they cannot legally widen it.

Mr. Sullivan suggested that regarding site lines, the key authority would be the Harwich Police Department. The Highway Department should also be included in the discussion. He recommended that between this meeting and the next hearing date of November 17th, this situation be further evaluated.

Mr. Dickson asked Atty. Freeman, if the sight lines are acceptable, the applicant would be willing to make Annasis a private road.

Atty. Freeman responded yes.

Mr. Sullivan continued to the condition regarding having the soils tested to ensure quality to which Atty. Freeman agreed.

Mr. Sullivan continued with the conditions that Atty. Freeman had agreed to. He then continued to the Slope Stability Document.

Mr. Claytor explained a 3:1 slope and agreed to the condition. He also noted that he feels it is unnecessary as the whole plan is designed to a 3:1 slope or flatter.

Mr. Sullivan continued to the condition regarding flagging wetlands.

Mr. Claytor responded and explained that the condition has to be covered to file a Natural Resource Area Determination (NRAD).

Mr. Sullivan continued with conditions regarding the 50 Year Storm Water Plan, the Operation Maintenance Plan and the Water Discharge Plan which were all agreed to. He continued down the list reading each condition and noting that they had been agreed to.

Mr. Sullivan stated that he had concluded the list of conditions.

A question was asked if conditions could be added and line 191 was referred to. Mr. Sullivan replied that 191 had been discussed.

Mr. Sullivan stated that there may be additional conditions added prior to the November 17th meeting. He noted that other conditions that will be part of the document will be reviewed after the final hearing and during deliberations.

## 5. Public Comments

Mr. Sullivan reviewed the requirements for a public comment.

(unidentified man) asked if there will be time for additional public comment beyond this meeting and when other suggested conditions would be considered. He also asked where the documents are located.

Mr. Sullivan responded and noted that there will be time for public comment on November 17th. He also explained the process for addition of conditions, he will try to get all documents under one item in the website.

Atty. Freeman referred to conditions suggested by Dr. McIntyre and noted that she was speaking on behalf of the Local Comprehensive Planning Committee. She is also a member of the Facebook page entitled No Pine Oaks Village IV, which she did not disclose.

Atty. Kwesell noted that Dr. McIntyre cannot make comments on her own, she would have to meet with the entire Commission.

Patrick Otton asked how the water to the project would be controlled and asked why the Wastewater Treatment Plan is not the first thing to be completed.

Atty. Freeman responded that they had fully answered those questions at last night's meeting.

Mr. Sullivan summarized last night's discussion and why the Board was comfortable with the plan.

Paula Miles of North Harwich asked what would keep people from cutting through Annasis Road.

Mr. Sullivan responded that even the Fire Department had commented that the main road into POV IV was quicker than using Annasis.

Theresa Johnson of North Harwich asked about an irrigation system in the plan, \$10,00 for road and safety offerings, clarification on what Annasis Road is going to be and the height of the buildings.

Mr. Sullivan and Atty. Freeman replied to each concern.

Tom Birch of Queen Anne Road commented on the amount of water the development would use and questioned how it could not contribute nitrogen. He also asked about the project affecting phosphorus and commented on sidewalks and telephone poles.

Mr. Claytor responded to the concerns about phosphorus.

Sue Shaw of 326 Main Street in West Harwich related a story about a tree on her property, commented on whether or not sidewalks are necessary and the need to have a condition to ensure affordable housing remains in perpetuity.

Brian \_\_\_\_\_ of Norway Road asked about time frame from the development being a 40B to changing to market value and he questioned the Title 5.

Mr. Sullivan responded to the question about market value and Mr. Clayton described the proposed septic system.

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Theresa Johnson referred to the packet from the previous meeting and had specific questions about the building heights. She asked that the ZBA look at the Town By-laws height restrictions.

Mr. Sullivan responded that the State that governs the height on a 40B.

6. Future Fall 2025 Scheduling

Dates will be discussed off line.

7. New /Other Business

8. Board Comments and Discussion

9. Discussion and Vote to Continue Public Hearing to Monday November 17, 6:30 PM at the 204 Cultural Arts Municipal Building, 263 South Street, Harwich, MA 02645

Mr. Sullivan moved to Continue Case No. 2025-21 Queen Anne Acres LLC, and Mid Cape Church Homes, Inc., d/b/a Pine Oaks Village Homes, to a scheduled Public Hearing on Monday, November 17, 2025 at 6:30 PM at the 204 Cultural Arts Municipal Building, 263 South Street, Harwich, MA 02645 with the hearing starting no later than 6:30PM in the auditorium. Seconded by Mr. August.

Vote: 7:0 in favor. Motion carried.

**VII. ADJOURN**

Meeting Adjourned at 9:20PM.

Respectfully submitted,

Judi Moldstad  
Board Secretary

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