

**MINUTES
TOWN OF HARWICH
ZONING BOARD of APPEALS
6:30PM - TUESDAY, OCTOBER 14, 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

PARTICIPATING REMOTELY: Marilyn Raatz

I. CALL TO ORDER; RECORDING NOTICE

Mr. Sullivan called the meeting of the Harwich Zoning Board of Appeals to order on Tuesday, October 14, 2025 at 6:30PM and read the Recording Notice.

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, P.O Box 1305, Harwich, MA 02645, has made an application for 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 noted that information regarding the waivers is available to the public.

Mr. Sullivan's opening remarks began with a statement specifically for the residents of Harwich, acknowledging how strongly they feel about the 40B project. He explained the waivers and the process regarding a 40B application in detail and noted the part that the ZBA plays within that process.

Mr. Sullivan asked Mr. Donoghue to read Case No. 2025-21.

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

2. Introduction of Board Members

Board members introduced themselves for the record.

3. Presentation by Brianna Powell, Harwich Housing Advocate

Brianna Powell gave a slide presentation on the Pine Oaks Village Phase IV. She noted statistics regarding the number of affordable housing units in Harwich and the impact of those numbers. She continued with issues regarding transportation, recommendations for the project and closing remarks.

Ms. Powell noted that she has been in contact with the Regional Transit Authority (RTA) regarding services to the POV IV but has not yet received a response.

4. Presentation by Dr. Joyce McIntyre, Chair – Harwich Local Planning Committee

Dr. McIntyre participated remotely and gave a slide presentation regarding the Local Comprehensive Plan (LCP) and the Housing Production Plan (HPP). She gave a brief overview of the Local Planning Committee and explained what each Plan includes as well as the process to create and file those Plans. She noted the residents' priorities, key challenges, the community vision, a growth policy, smart growth principles and the complexity of housing in Harwich. She noted recommendations that reflect back to what the community has told the LPC. She noted the community and cultural character in Harwich, natural conditions and water resources, natural systems and wetlands, wildlife and habitat as well as built systems and infrastructure. Dr. McIntyre encouraged the ZBA to fully explore limiting the size of this project and limiting the scope of the permitting. In her closing statement she noted that appropriate conditions may conflict with the 40B developer.

Mr. Sullivan noted that Marilyn Raatz is participating remotely.

Mr. Sullivan asked a question regarding the ZBA's responsibility to adhere to a regulatory situation on enforcing the aspects of the LCP which Dr. McIntyre suggested would be best answered by counsel.

Peter Freeman, attorney for the applicant thanked both presenters and commented that it will come down to a lot of the conditions and noted that several things in the HPP support this project which listed.

5. Review of Waiver Request by Pine Oaks Village IV

a) Discussion by Board with Applicant

Mr. Sullivan referred to the updated waiver requests by POV and explained the format and procedure moving through the list. He began with and gave an overview of Chapter 325 and Articles 4 and 5.

Atty. Kwesell referred to 325-12 and the Board's questions regarding the roadway width and parallel parking and asked if the Board wanted to discuss those issues.

Atty. Freeman noted that those topics will be addressed later in the discussion.

Rich Claytor, Engineer responsible for this project, commented that they are proposing a 20' width for the roadway and described the proposal for parallel parking.

Mr. Sullivan continued to Article 6 Area Height and Bulk Regulations noting what the requested waivers include. He noted for the public that there will not be decisions made at this time. The discussion is for the Board to have a clear understanding of the requested waivers.

It was noted that those participating remotely were having difficulty hearing the speakers.

Mr. Sullivan continued with Article 9 regarding Off Street Parking and Loading Requirements. He noted that Judy Barrett, Housing Consultant had concerns regarding landscape requirements and he has requested feedback from Conservation. He asked the applicant why they are reducing the amount of landscape areas.

Mr. Claytor described the plans to add trees at the perimeter and why the waiver is not really needed.

Mr. Sullivan moved forward to Article 10, Administration and Enforcement. There were no questions or concerns.

Mr. Sullivan moved forward to Chapter 400, Subdivision of Land and Site Plan Special Permit Regulations.

Mr. Dickson noted that 400-12 refers to the issue of 100 feet versus 400 feet versus 50 feet which needs to be addressed.

Mr. Sullivan noted that both the Police Chief and Fire Chief have been asked to review the updated Plan.

Mr. Claytor responded that the loop road has not been changed since the Plan was submitted. He noted an error in the application and clarified that the waiver should be for 50 feet. He noted that the Fire Chief had previously commented that he was satisfied with the turning movements. He also stated that if there are concerns, he will meet with the Fire Chief and review the software and documents.

Mr. Claytor stated that the latest Site Plan of record was submitted on 09/15/25 and an updated landscape plan was submitted last Friday.

Mr. Sullivan noted that the last plan the Fire Chief saw was in July and he will need to see the updated plan. He also noted that the updated plan, dated 09/15 is to online.

Mr. Sullivan referred back to 400-12 and the applicant's waiver request for a 25 year storm water management plan. The applicant has agreed to change the Plan to a 50 year storm water management system.

Mr. Sullivan continued with Chapter 310, Wetlands Protection. He noted that 369 is regarding the National Pollutants Discharge Elimination System (NPDES) and Storm Water Protection Plan (SWPP) which have requirements. There was uncertainty as to whether or not the ZBA could waive any requirements.

Atty. Freeman responded that under the State Wetlands Protection Act, the applicant is not asking for waivers and the ZBA does not have the authority to grant any waivers of state and federal regulations. He explained the process for the applicant moving forward on those waivers.

Mr. Sullivan continued to the Performance Bond. He explained the purpose of a security bond and noted that if the project is incomplete, the applicant will not be issued occupancy permits.

Atty. Freeman responded with what he has done in the past and offered two scenarios.

Atty. Kiesel responded and noted that she does not recommend using the occupancy permit as a safety net and explained her reasons in detail. She also requested a phasing plan be provided by the applicant by the November meeting.

Mr. Sullivan continued with a revised waiver regarding the use of pesticides, fungicides, herbicides, etc. He also noted Conservation's recommendation.

Mr. Claytor explained that the waiver was requested to only be used during the initial fertilization and to remove invasive species at the request of the Conservation Commission in a targeted area.

Mr. Sullivan commented that he had no objection if it was for temporary use.

Mr. Claytor noted that the updated lighting and landscaping plans will be made available if the ZBA does not already have them. He also noted that they will not be requesting a waiver for the photometric plans.

Mr. Sullivan requested a list of all the final plans that have been submitted.

Atty. Freeman noted that regarding the wastewater treatment plan, what the applicant had submitted for is a small wastewater treatment facility. He was uncertain if it was applicable to the project but will clarify that and inform Mr. Sullivan.

Mr. Sullivan continued to the Town of Harwich Conservation Commission Wetland Protection Regulations and referred to 104 Resource Protection Areas and Buffer Zones.

Mr. Claytor noted that the plans have limited impacts to the buffer zones which he explained.

Mr. Sullivan asked for clarification of which fertilizers etc will be used and Mr. Claytor replied with a detailed description. He emphasized that they will not be adding nitrogen.

Mr. Sullivan continued with Erosion Control. There were no questions. He went on to the Town of Harwich Health Regulations, Design Operations and Maintenance out of small wastewater treatment facilities.

Atty. Kwesell noted that if the applicant does not need this waiver, they need to withdraw the waiver. This will be addressed in November.

Mr. Sullivan noted that the discussion on waivers has been completed. He called for an 8 minute break at 8:22PM.

6. Public Comments

Mr. Sullivan noted the time requirements for each speaker.

Scott Norum of Pleasant Lake asked questions about the wastewater treatment and what it does for phosphorus.

Mr. Claytor responded and explained the process of advanced wastewater treatment and its distance from fresh water in detail.

Patrick Otton of East Harwich expressed his concerns and spoke against the POV IV, giving his reasons in detail. He asked that the ZBA follow Dr. McIntyre's recommendations.

Art Boden of Harwich noted that Harwich has a Housing Production Plan and the Local Comprehensive Planned and commented that what Harwich needs is housing.

_____ of 448 Main Street asked that the ZBA consider that POV IV does not serve the people who need affordable housing and explained his reasoning in detail.

Sherry Stockdale of North Harwich commented on the rentals not being affordable, no regulations on short term rentals in Harwich and damage to the roads. She spoke against POV IV.

Tom Birch of Queen Anne Road commented on the zoning rules that residents have to follow and the treatment plant issues and spoke against the POV IV.

Theresa Johnson of Harwich spoke about the septic systems and phases, the widening of the ancient way, the town's lack control over 40Bs and other issues and spoke against the POV IV. She asked that the ZBA reconsider all the waivers and conditions.

Paula Myles of North Harwich spoke about the amount of paving that POV IV will create, run off and damage to the ponds, vernal pools and the environment.

Ed McManus spoke about the POV IV and the consistency with the LCP and HHP and other housing projects that have been built and the amount of vegetation removed. He commented that the POV Board of Directors does not make money from the project. He gave copies of letters regarding the POV IV to Mr., Dickson.

Mr. Sullivan requested that the applicant provide a rent schedule as requested at the last meeting, to be posted on the site. He noted what some of the rents are and the range of rental fees.

Atty. Freeman replied that it had been submitted. He explained the formula used to determine the amount of the rent, not to exceed 30% of area median income.

Mr. Sullivan commented on the road network and asked the applicant how storm water management addresses the runoff on the roadways.

Mr. Claytor replied that storm water management will not leave the property and he explained the process in detail.

Dr. McIntyre responded to Mr. McManus 's comments noting that the Operating Budget for the project is public record and she encouraged anyone who is interested to read it for information.

Mr. Sullivan referred to Annasis Road, noting that it is an ancient way and that the applicant is paying to improve the road for emergency access.

Mr. Sullivan questioned the use of Title 5 for septic.

Mr. Claytor replied that the plan is to use Title 5 for just phase one of the project and he explained the reasons in detail.

7. Future Fall 2025 Scheduling

Mr. Sullivan noted that the next scheduled meeting is October 15th. There is also a meeting scheduled for November 17, 2025.

8. New /Other Business

No other business.

9. Board Comments and Discussion

No further comments or discussion.

10. Discussion and Vote to Continue Public Hearing to Wednesday October 15, 6:30 PM at the 204 Cultural Arts Municipal Building, 263 South Street, Harwich, MA 02645

Mr. Sullivan moved to continue the Public Hearing, Case No 2025-21 Queen Anne Acres LLC, and Mid Cape Church Homes, Inc., d/b/a Pine Oaks Village Homes, to Wednesday October 15, 2025 no earlier than 6:30 PM. Seconded by Mr. Dickson.

Vote: 7:0 in favor by roll call vote. Motion carried.

VII. ADJOURN

Meeting adjourned at 9:09PM.

Respectfully submitted,

Judi Moldstad
Board Secretary

October 14, 2025