

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Powers, Town Administrator
Meggan M. Eldredge, Assistant Town Administrator

732 MAIN STREET, HARWICH, MA



MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers, Town Administrator *JFP*

CC: Meggan M. Eldredge, Assistant Town Administrator
Jonathan D. Idman, Director of Planning & Community Development

RE: Update on Chloe's Path proposed development

DATE: July 12, 2021

I met recently with Andrew Singer, attorney for the group known as Chloe's Path Housing, and we shared information regarding actions and next steps on the proposed development at the property adjacent to Sisson Road.

Your packet material contains a sample letter representing what was mailed out to more than forty (40) property areas near the proposed development by Mr. Singer. The letter provides information on a community engagement discussion to be held on **Tuesday, July 20, 2021 at 6:00pm** at the public meeting room at the Public Safety Facility at 183 Sisson Road (Police and Fire headquarters).

Any and all interested parties who wish to engage in discussions with representatives of the property owners at Chloe's Path are welcome to attend this public event.

Additionally, Attorney Singer and I discussed the process around the *Local Initiative Program* (LIP) coordinated through the state's Department of Housing and Community Development (DHCD). This program incorporates local support for a proposed development from a town (via a Board of Selectmen) proceeding through state approval processes.

Mr. Singer and other representatives of Chloe's Path Housing are scheduled to appear before you on **Monday, July 26, 2021** to formally present the proposed development and engage in discussion on whether the town will support the proposal.

While much has occurred regarding this proposed development, there are many meetings in the months ahead before any substantive actions can or would occur.

Chloe's Path Housing
c/o P.O. Box 67
Dennisport, MA 02639

July 6, 2021

Name
Address

Re: Invitation to Community Meeting

Dear Neighbor,

You will soon begin to receive notices regarding upcoming public hearings with the Harwich Board of Selectmen, Zoning Board of Appeals, and Conservation Commission regarding a proposed residential, affordable housing development on Chloe's Path in Harwich.

The 8.14-acre property is located off Sisson Road, next to the Police and Fire Department Complex and approximately across the street from the Harwich Community Center. An aerial photograph of the property is enclosed. The proposal includes two buildings containing forty-eight (48) rental apartments each, for a total of ninety-six (96) units. The mixed income community will consist of one, two, and three-bedroom apartments.

In advance of the public hearings, we would like to invite you to an informal meeting with our team and any other interested abutters to preview and discuss the project as it is currently designed. The meeting will be held on Tuesday, July 20, 2021, at 6:00 p.m. in the public meeting room at the Harwich Police Department, 183 Sisson Road in Harwich. Access to the meeting room is at the front left-hand side of the building.

We look forward to meeting you on the 20th to discuss the proposal and any questions or comments you may have.

Thank you.

Sincerely,

Chloe's Path Housing

By: _____
Andrew L. Singer

From: jon.chorey
Sent: Thursday, July 15, 2021 9:54 AM
To: Ellen Powell
Cc: Joe Powers; Meggan Eldredge
Subject: Re: Proposed Affordable Housing Apartments

Thanks Ellen for letting me know about this project. Is this project off Sisson Road? Do you have a link to information that is on the Town web-site?

Thanks again,

Jon

From: Richard Waystack
Sent: Wednesday, July 14, 2021 3:38 PM
To: Ellen Powell; Joe Powers
Cc: Meggan Eldredge
Subject: Re: Proposed Affordable Housing Apartments

Good afternoon! Thank you for forwarding the proposal for Chloe's Path. My two questions are, the affordable rents are what are normally charged for market rate locally (as a Landlord with 6 rental units) and on the Sisson Road example, they used Dukes County data, and who will manage the apartments when completed? Will there be an on-site manager or management company present?

Pleased to see the thought of apartments, but the rents seem high for "affordable" and the plan seems to be geared specifically to housing vouchers in particular.

Thanks!

My very best,
Richard Waystack, CRS
2020 National President, Residential Real Estate Council (CRS)
Executive Broker, Platinum Member
Jack Conway Real Estate, License #136018-B

rwaystack@waystack.com
Text or Cell: 508-776-0964
www.waystack.com

Thank you for trusting me with your referrals!

Joe Powers

From: Carpenter, Scott
Sent: Thursday, July 22, 2021 11:17 AM
To: Joe Powers
Subject: 40B Development Behind the Police/Fire Station

Joe,

Brian Bush from Heritage Properties proactively reached out to me for my insights on the 40B development proposed behind the fire/police station. I also went to the abutters meeting Monday evening at the conference room in the public safety building.

From a school perspective, I don't see any problems with the project and its proximity to Monomoy but have one minor reservation regarding traffic flow during Harwich Elementary drop-off and pick-up times. As it is, the number of cars coming to pick up or drop off students at the elementary school often finds cars backed up onto Sisson Road. While this is a fleeting daily occurrence, we can expect that a 90+ unit apartment building in the vicinity will only magnify the congestion. I don't have an easy solution and can't make all families take advantage of the free bus transportation provided by the district.

I am concerned about the aesthetics of the project, not that this will impact the school or its functions. The choice to have this be a three-story structure, slightly visible above the treeline seems odd. If the project were only two stories and roughly 60+ units, it would be nestled and largely out of sight, but three stories make it taller than the high school (the largest building around). I don't see how the design fits within the Harwich and Cape Cod landscape as a three-story structure.

From a housing perspective, I'm hopeful that the affordable housing units will be available to and accessed by young families and challenged Brian with a goal of seeing at least 18 children accessing the 38 two and three-

bedroom apartments in such a project. I am also hopeful that the apartment units could mitigate some of the lack of housing available in the region, particularly for those with financial need.

It's not just those with financial need who are hurting because of the current housing crisis. This is will be my ninth year here at Monomoy, and for the first time, we are finding ourselves unable to hire some great teachers because they can't find housing after we offer them a position. I've lost three finalists this year because of a lack of housing. There is a major need for reasonably priced, year-round, housing for our municipal/school employees.

Feel free to share this email with your Board if you think it would be helpful in their decision-making.

Scott

Scott Carpenter, Ed.D.
Superintendent
Monomoy Regional Schools
425 Crowell Road, Chatham, MA 02633
Office: 508-945-5130



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

(508)-430-7538 FAX (508)430-7531

August 2, 2021

To: The Harwich Board of Selectmen
From: Amy Usowski, Conservation Administrator

This memo is in response to the letter the Conservation Commission was copied on from Robert and Andrea Doane, abutters to the potential Chloe's Path project. This memo is not a legal opinion; any legal opinion desired regarding the proposed project and/or how this project relates to the existing Protective Covenant for the property referenced in the letter from the Doane's should be from Town Counsel. The covenant was a requirement of the State Division of Fish and Wildlife's Natural Heritage and Endangered Species Program (NHESP). I have reached out to NHESP and received correspondence from Misty-Anne Marold, Senior Endangered Species Review Biologist, that she has not had any correspondence for this property since 2018. Misty notes the following in her email to me:

"The 40B regulations do not change their requirements under the MESA. The MESA regs require that they come to us for review; however, it is up to the owner/developer with a project subject to the MESA to determine when they consult with our office. The only requirement is that they come to us before they begin any work. Since this site has an existing MESA review and Determination under which they began work (e.g., clearing, installed the road), they will have to come to us to discuss any change to the previously approved plan and resulting land protection. Based on their new plans, we would advise them of the potential pathways available to them under MESA."

I have attached the letter from NHESP for the project to construct Chloe's Path roadway. In order to start the construction of the roadway, the applicant also had to file with the state NHESP, specifically under the Massachusetts Endangered Species Act (MESA), as this property is known habitat for Eastern Box Turtle, a state-listed 'Species of Special Concern.' The Conservation Commission's Orders of Conditions also required that the applicants furnish all documents required under MESA to the Commission as well. We are in receipt of the 2016 Eastern Box Turtle Nesting Habitat Improvement & Management Plan by EcoTerra Design & Consulting.

The determination by NHESP was for a 7 lot subdivision. This project proposal has now changed to a 96 unit complex.

I will comment on the previous permit to install the road and utilities, and on what the applicant will have to file with the Conservation Commission if they wish to permit the proposed 40B project as designed.

In 2016 the Conservation Commission issued a permit to install the road, road drainage, and utilities of Chloe's Path, a 7-lot subdivision. The 8th lot was primarily wetland, and was donated to the Town. A copy of the plan the Conservation Commission approved has been sent electronically to Administration to provide to the Board. As you will see, only a small portion of the work was proposed in the 100' buffer to the wetland. A letter was sent from this department alerting the applicant that the permit was about to expire, but we received no word. This permit expired on 2/18/2019. We have not received a Request for a Certificate of Compliance from the applicant, HFH Development. If all work under this permit has been completed, they should request a Certificate of Compliance to officially close the project out. No work can occur within the wetlands or 100' buffer at this time, as there is no active permit. If not all the Special Conditions of that permit have been met, the applicant must re-apply with the Conservation Commission to finish them.

In regards to the proposed project currently under review with the Town, I offer the following:

1. If requested, the local Zoning Board of Appeals (ZBA) can waive review under the local bylaw, including the Harwich Wetlands Protection Bylaw Chapter 310. To my knowledge, this project has not been filed with the ZBA as of the date of this memo.
2. The Conservation Commission will need to review the project under the State Wetlands protection Act and Regulations Chapter 310 Section 40 and 310 CMR 10.00. This will be a Notice of Intent hearing in front of the Conservation Commission, and this will be a public hearing.
3. The Conservation Commission will not close a hearing on a project the applicant has gotten approval from NHESP, so it would be best if they file with NHESP first.
4. The current proposed site plan is entitled 'Chloe's Path Housing' by J.M. O'Reilly & Assoc. shows the proposed work to be outside the 50' wetland buffer zone. No structure appears to be within the 100' wetland buffer, which is the extent of the Conservation Commission's jurisdiction under the state Wetlands Protection Act. Clearing, grading, and vehicular access behind the building would be in the 100' wetland buffer as proposed. When was the last wetland delineation done on this property and by whom? If they are relying on the 2016 delineation, it is no longer valid, and needs to be re-done by a professional wetland scientist.



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

NOT

AN

OFFICIAL
COPY

July 22, 2016

HFH Development LLC
PO Box 612
North Chatham, MA 02650

Quivet Neck Realty Trust
c/o Louis Seminara
Seminara Construction Co., Inc.
Box 1219
South Dennis, MA 02660

NOT

AN

OFFICIAL
COPY

Jack Buckley, Director

Applicant: Peter Donovan, HFH Development LLC
Project Location: 0 Forest Street, Harwich (between 211 & 225 Sisson Road)
Barnstable Registry of Deeds, Book 17492, Page 70
(the "Property")
Project Description: Construction of a proposed residential subdivision (7 houses)
NHESP File No.: 06-20086

Dear Applicant:

The Massachusetts Division of Fisheries & Wildlife's Natural Heritage & Endangered Species Program (the "Division") previously received a MESA Project Review Checklist, project plans, and other required materials for review pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (321 CMR 10.00) (MESA).

The Division has determined that the proposed project is located within the mapped *Priority Habitat* of the Eastern Box Turtle (*Terrapene carolina*), state-listed as "Special Concern" according to the Massachusetts Natural Heritage Atlas (13th Edition). This species and its habitats are protected pursuant to the MESA. A Fact Sheet for this species can be found on our website, www.mass.gov/nhesp.

The Division issued a determination for an eight-lot cluster subdivision on this Property (issued October 27, 2009). The Applicant recently submitted revised, preliminary site plans to the Division for review pursuant to the MESA, in which the project has been revised to a conventional seven-lot subdivision (Attachment 1). The Applicant also proposes the permanent protection of Lot 9 and Lot 8 as open space and wildlife habitat. Lots 8 will be conveyed to the Harwich Conservation Commission. Parcel B-1 (Attachment 3) will be conveyed to an abutter subject to a Division-approved Declaration of Restriction. The Division has determined that the revised seven-lot conventional subdivision, as shown on the revised preliminary site plans (Attachment 1), must be conditioned in order to avoid a prohibited "take" of state-listed species (321 CMR 10.18(2)(a)). The following conditions must be met:

1. Final Site Plan(s): Prior to the start of work, the Applicant shall submit final site plan(s) for the Division's review and approval for the entire property. Final site plan(s) shall include Lots 1-9 and

www.mass.gov

Division of Fisheries and Wildlife
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891
An Agency of the Department of Fish & Game

Parcel B-1. The final site plan(s) shall show proposed permanent and visible monuments/bounds along the approved limits of work, including monument locations and design details (e.g., granite post, iron stake, cement post, etc.; measurement, height above ground, etc.). Signs shall be located between the individual house lots and the open space parcels.

- (a) Prior to sale, transfer or change in ownership from the Applicant, the monuments/bounds and signs shall be installed as indicated in the Division-approved monumentation plan and detail. Said monuments shall be maintained and repaired or replaced by the owner of the residential lot as necessary.
- (b) Prior to sale, transfer or change in ownership from the Applicant, the signs between the lots and open space shall be installed.

C O P Y

2. Recordation: Prior to the start of work, the Applicant shall record the below-indicated documents in the Barnstable County Registry of Deeds or the Land Court for the district in which the Property is located. The Applicant shall provide the Division with proof of said recordation within five (5) business days of recording.

- (a) MESA Determination: This determination shall be recorded so as to become a record part of the chain of title for the Property.
- (b) Final Site Plan: After review and approval by the Division, the final site plan(s) shall be recorded so as to become a record part of the chain of title for the Property.
- (c) Deed for Lot 8: The Applicant shall record the deed, as approved by the Division by email on May 20, 2016, showing proof of conveyance of Lot 8 to the Harwich Conservation Commission.
- (d) Deed and Declaration of Restriction for Parcel B-1: The Applicant has elected to convey Parcel B-1 to an abutter, but we note this was not a Division requirement. If the Applicant does, in fact, elect to convey Parcel B-1 to the abutter, then the Applicant shall:
- Provide proof of recording the Division-approved deed and Declaration of Restriction, last reviewed by email on 6/28/2016, and final site plan(s) so as to become a record part of the chain of title for Parcel B-1. The final site plan for Parcel B-1 shall be consistent with Attachment 3 referenced below.
 - The Division notes that the Declaration of Restriction allows, for a limited time, for the limited planting of native shrubs as well as limited vegetation management around the pump house and within the "Native Shrub Area."
- (e) Chloe's Path Protective Covenants: The Applicant shall submit a final draft of the "Chloe's Path Protective Covenants" (last revision reviewed by the Division dated 4-6-2016, edited and sent from the Division to Attorney Norcross on May 11, 2016) to the Division for review and approval. Upon receiving written approval by the Division, the Applicant shall provide proof of recording said Covenants so as to become a record part of the chain of title for the Property, excluding Parcel B-1.

3. Turtle Protection Plan (Attachment 2): All work shall be conducted in compliance with the 2016 Eastern Box Turtle Nesting Habitat Improvement & Management Plan referenced below (Attachment 2), unless otherwise approved in writing by the Division.

4. Symbolic Flagging: Prior to the start of work, symbolic flagging shall be erected around the limits of work shown on the revised preliminary site plans (Attachment 1; which is cross-hatched and labeled as "Limits of Potential Disturbance") and maintained throughout the construction period. Upon completion of all construction activities and site stabilization, said flagging shall be removed and properly disposed of. Permanent bounds, see Condition 1, shall be installed.

5. Compliance Report: Within thirty (30) days of completing construction of each of the seven (7) residential house lots, the Applicant shall file a brief written report to the Division confirming that all exterior work is complete on the indicated lot.

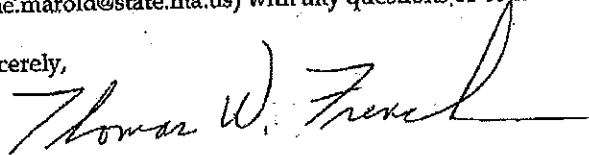
6. This determination shall not preclude the review of future projects on the Property that are subject to the Wetlands Protection Act (WPA) Regulations (310 CMR 10.37, 10.58(4)(b), 10.59). If the Conservation Commission requires additional Notice of Intent filings (e.g., for each house lot), the Division must receive a copy of those filings for review pursuant to the rare wildlife provisions of the WPA (310 CMR 10.59).

Provided the above-noted conditions are adhered to and there are no changes to the final, Division-approved site plans and associated work, this Project will not result in a "take" of state-listed species. The Division notes that any future projects or activities proposed on the Property which are (a) located outside of the approval of the limit of Work shown on the site plan, (b) not exempt from review pursuant to 321 CMR 10.14, and (c) located within mapped Priority Habitat as indicated in the Massachusetts Natural Heritage Atlas, will require review by the Division pursuant to MESA. Furthermore, 321 CMR 10.16 provides that projects shall not be segmented or phased to evade or defer the review requirements under MESA. If the Division determines, based on the considerations provided for in 321 CMR 10.16, that a future project or activity proposed on the Property is part of a larger common project or scheme, it may evaluate the cumulative impacts of the existing and proposed segments of the common project when reviewing the future proposed project or activity pursuant to MESA.

This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the plans referenced above may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please do not hesitate to contact Misty-Anne R. Marold, Senior Review Biologist, at (508) 389-6356 (misty-anne.marold@state.ma.us) with any questions or comments you may have.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: William A. Manganiello, Law Offices of William A. Manganiello (lawyerone@tmlp.com)
Scott Egan, AECOM

Documents Attached:

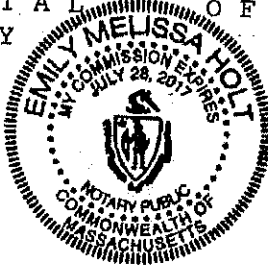
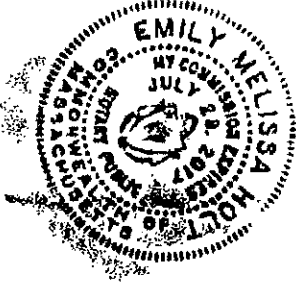
Attachment 1:	PRELIMINARY GRID SUBDIVISION PLAN SHOWING PROPOSED LIMIT OF ACTIVITY, Conceptual Plan of Land in Harwich, Massachusetts for Donovan Building Corporation, prepared by J. M. O'Reilly & Associates, Inc., 1 sheet, dated 9/25/2015 (revised 12/21/2015).
Attachment 2:	2016 Eastern Box Turtle Nesting Habitat Improvement & Management Plan, Sisson Road, April 5, 2016
Attachment 3:	Approval Not Required Plan of Land in Harwich Massachusetts for Donovan Building Corporation, prepared by J. M. O'Reilly & Associates, Inc., 1 sheet, dated 9/25/2015 (revised 12/21/2015). Parcel B-1 will be reserved for limited use by the landowner for planting and management of native shrubs.

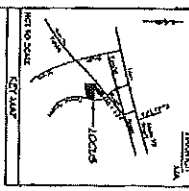
NOT
On this 22nd day of July, 2016, before me, the undersigned notary public, personally appeared Thomas W. French, Ph.D., Assistant Director, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

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Emily Melissa Holt
Emily Melissa Holt, Notary Public
My Commission expires: July 28, 2017





OWNER OF RECORD
 JAMES H. O'BRIEN, JR.
 1000 S. 10TH AVE.
 SUITE 100
 DENVER, CO 80202
 ATTORNEY: JAMES H. O'BRIEN, JR.
 1000 S. 10TH AVE.
 SUITE 100
 DENVER, CO 80202

ZONING CLASSIFICATION
 ZONE: R-1
 SINGLE-FAMILY RESIDENTIAL
 MINIMUM LOT AREA: 10,000 SQ. FT.
 MINIMUM FRONT YARD SETBACK: 25 FT.
 MINIMUM SIDE YARD SETBACK: 5 FT.
 MINIMUM REAR YARD SETBACK: 10 FT.

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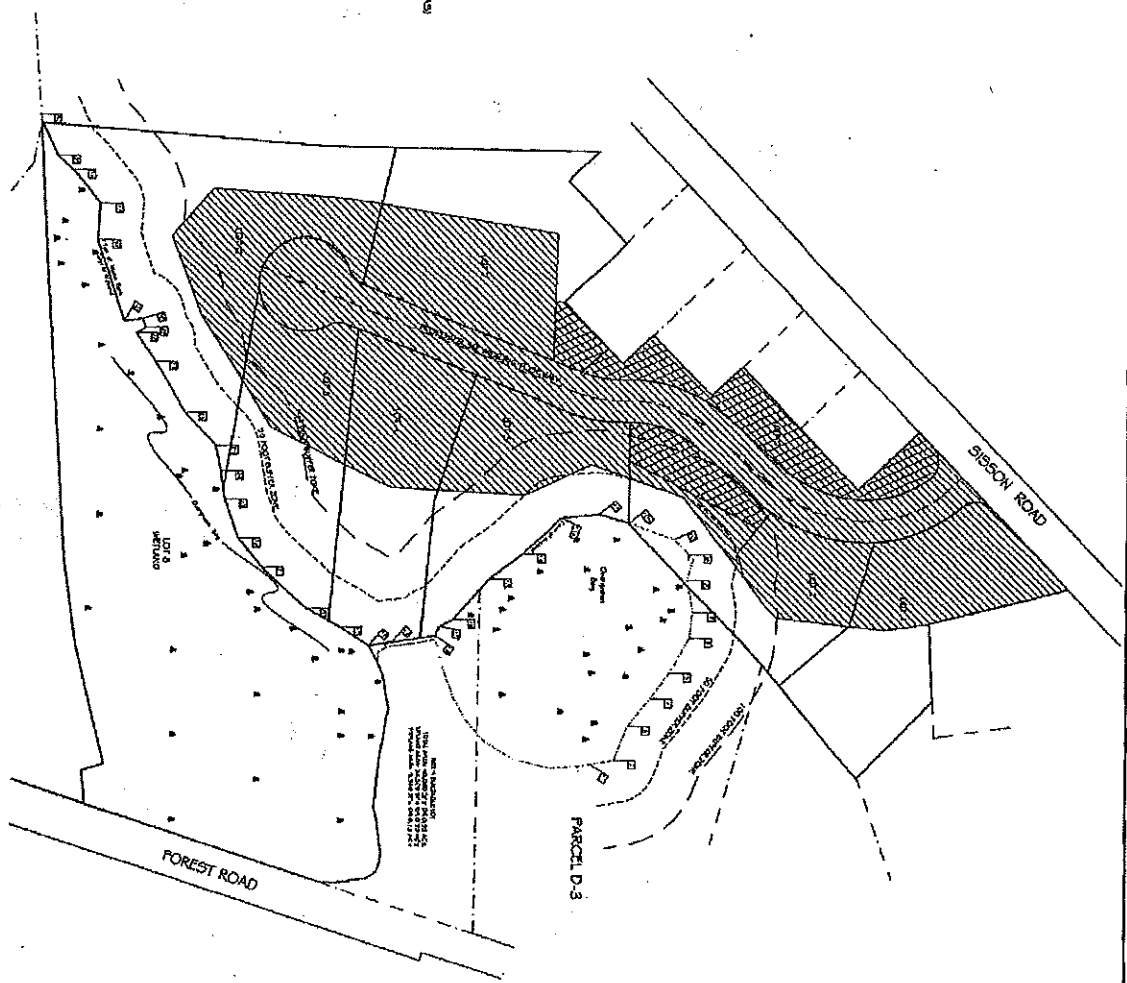
AREA CALCULATIONS:

TOTAL PAVED AREA: 579,520 SQ. FT. (13.31 AC.)
 TOTAL UNPAVED AREA: 1,721,100 SQ. FT. (39.55 AC.)
 TOTAL LOT AREA: 2,300,620 SQ. FT. (52.86 AC.)
 AREA OF LOT 1: 1,700,000 SQ. FT. (39.09 AC.)
 AREA OF LOT 2: 600,620 SQ. FT. (13.77 AC.)
 TOTAL LOT AREA: 2,300,620 SQ. FT. (52.86 AC.)
 TOTAL OF DEVELOPED LOTS AND ROAD: 223,400 SQ. FT. (5.13 AC.)

TOTAL OPEN SPACE (PARKS, WETLANDS, OPEN SPACE, ETC.)
 1,077,220 SQ. FT. (24.55 AC.)
 4.11 AC. (174,000 SQ. FT.)
 20.44 AC. (2,812,000 SQ. FT.)

TOTAL URBAN AREA (IN URBAN STATE)
 1,077,220 SQ. FT. (24.55 AC.)
 4.11 AC. (174,000 SQ. FT.)
 20.44 AC. (2,812,000 SQ. FT.)

AREA OF REMAINING UNDEVELOPED LOTS
 1,271,200 SQ. FT. (29.15 AC.)
 AREA OF REMAINING UNDEVELOPED LOTS
 1,271,200 SQ. FT. (29.15 AC.)
 AREA OF REMAINING UNDEVELOPED LOTS
 1,271,200 SQ. FT. (29.15 AC.)



PRELIMINARY AND SUGGESTION ONLY
 SHOWING PROPOSED LAYOUT OF ACTIVITY

CONCEPTUAL
 PLAN OF LAND

JAMES H. O'BRIEN, JR.
 OWNER

JAMES H. O'BRIEN, JR.
 1000 S. 10TH AVE.
 SUITE 100
 DENVER, CO 80202

1000 S. 10TH AVE.
 SUITE 100
 DENVER, CO 80202



**Town of Harwich
Board of Health**

732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us

July 22, 2021

Chloe's Path Comments

Increased housing is a necessity in Harwich, and on Cape Cod in general. This project is an excellent way to assist many individuals in the area in need of housing. Social Determinants of Health, which are included in Healthy People 2030, lay out that safe housing, transportation, and neighborhoods are major factors that impact overall health and well-being. This project is proposed in a safe, and convenient location. The bus stop is a great addition for public transportation options. The Cape in general is typically not walkable, but this location does provide a variety of areas that are walkable, such as the grocery store and Main Street stores and restaurants. Although I fully support this proposal, I do have the following comments and suggestions:

1. I suggest having a strict recorded occupancy limit in writing for each individual dwelling unit. Many one bedroom or studio units are being proposed, and I foresee a potential issue with occupancy limits arising. If the lease agreement holds the condition of maximum occupancy, that may be a way to remediate a potential issue of overcrowding.
2. Shared spaces are important for social and mental health. I suggest thought goes into having multiple common area for socializing, as well as an on-site gym or workout facility.
3. Since there are units with multiple bedrooms, families will be present on site. It would be an appropriate addition to have a designated playground or play area for children.
4. Many housing units restrict or limit pets. Cape Cod is a very pet friendly location, and I would love to see pets allowed. A small designated fenced in area for pets would mimic many off Cape facilities.
5. The first floor space would be perfect for a small coffee shop or convenience store. This would require additional permits, but is something to consider to improve resident's possibilities.
6. Smoking should be banned from the property. If it's not feasible to ban smoking on the entire property, I suggest it should be prohibited indoors or within 50 feet of the building.
7. All requirements from 105 CMR 410.00, Minimum Standards of Fitness for Human Habitation, must be met and maintained.
8. Either a groundwater discharge permit or sewer permit must be obtained prior to building permit approval.

Please contact me should you have any follow-up questions. Thank you for your attention to these comments and suggestions.

-Katie O'Neill, Harwich Health Director

From: Jon Idman
Sent: Monday, July 19, 2021 4:45 PM
To: Meggan Eldredge
Subject: RE: Proposed Affordable Housing Apartments

Hi Meggan,

The project site is within mapped rare species habitat under MESA, which requires state permitting and approval for the project by NHESP.

Based on our preliminary discussions, the applicant acknowledges, albeit in a general way, the need to modify the existing NHESP approval as it was predicated on the previously proposed 7 lot single family residential subdivision and not the current multifamily 40B project. We could ask what further discussions or progress the applicant has made with NHESP regarding the MESA permit modification.

It might benefit the town (and the applicant) to better understand at an early stage what might be required to modify the existing MESA/ NHESP approval for the project site.

The MESA/ NHESP approval fundamentally affects the siting of the building under the 40B proposal, though I recognize that such approval is independent and outside of the ZBA's 40B jurisdiction and review.

The proposed building is sited in an area that is restricted from development under the existing, recorded MESA/ NHESP approval documents, among other outstanding limitations or requirements set out in that approval.

Jon

From: Chief David J. Guillemette
Sent: Wednesday, July 21, 2021 2:30 PM
To: Meggan Eldredge
Cc: Deputy Chief Kevin Considine
Subject: RE: Proposed Affordable Housing Apartments

Hi Meggan,

Re: Chloe's Path development

PD concerns include impact of increased traffic entering from Sisson Road and exiting onto Sisson Road from the sole access road.

There also appears to be sight line issues in both directions when exiting Chloe's onto Sisson Road

The proximity of the development to the rear and side of our facility will require new fencing, signage and additional cameras to secure our back and side lots.

Sincerely,

David J. Guillemette
Chief of Police



Harwich Police Department
183 Sisson Road
Harwich, MA 02645

OFFICE OF THE TOWN ADMINISTRATOR

Joseph F. Powers, *Town Administrator*
Meggan M. Eldredge, Assistant Town Administrator

Phone (508) 430-7513


Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA



MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers,  Town Administrator

CC: Meggan M. Eldredge, Assistant Town Administrator
Jon Idman, Director of Planning and Community Development

RE: MassHousing Re: Chloe's Path PEL request

DATE: March 7, 2022

This memorandum corresponds with New Business agenda item A.

Please find attached copies of written comments from town staff, as well as copies of meeting minutes from the Board's discussion about the prior Chloe's Path LIP request. These materials are provided to assist the Board in discussing and developing the Board's position on the above-referenced matter on the agenda for the 3/7/22 BOS meeting. Consistent with the Board's comments and direction and vote taken at the meeting, staff will draft a comment letter on behalf of the Board, for signature by the Chair, and submit it to MassHousing by the Friday, March 9, 2022 deadline.

Chloe's Path

Department Comments:

Treasurer/Collector

- The 96 unit Chloe's Path development will have an impact on the Treasurer/Collector's Office regarding additional real estate tax and water billing; as a rental complex I would guess it would be a single real estate tax bill going to the management company, and not individual bills for each unit. I am not aware of how the water department will bill. There will be an increase in motor vehicle excise tax bills. There is also a potential increase in sales of beach parking stickers and transfer station access. None of these additions would have a negative impact on this office.

Conservation –

1. Any work within the 100' buffer zone to the wetland will need Conservation Commission approval under at least the Massachusetts Wetlands Protection Act. If the project is a 40B, the ZBA can exempt the project from review under the Bylaw.
2. The Harwich Conservation Commission issued a permit in 2016 (permit #SE32-2248) for construction of the road, as part of the road was in the 100' wetland buffer. This was at the time where the project was going to be a 7 lot subdivision with the 8th lot donated to the Town for Conservation purposes. This permit for the road has expired, and the applicant as not sought obtaining a Certificate of Compliance for the work from the Conservation Commission. The Conservation Department notified the applicant prior to expiration of the permit that they should seek an Extension or a Certificate of Compliance. This permit is an encumbrance on the property as it is not closed out. Some documentation required by the permit (certified as-built site plan and all documentation that the Natural Heritage and Endangered Species Program (NHESP) required of the applicant) have not been provided to the Conservation Commission.

Planning –

- The applicant should provide, among other things, in the comprehensive permit application:
 1. an accurate, complete and detailed list of all waivers from local regulation requested, and all required local permits, licenses and approvals requested (including but not limited to required amendments to or completion of existing local permits like a subdivision modification/ rescission and security release, as applicable) under the comprehensive permit.
 2. A project trip generation and traffic safety analysis, including but not limited to the Main Street/ Sisson Road intersection;
 3. A parking demand analysis;
 4. A site-wide and watershed-based Nitrogen loading analysis from the proposed development;
 5. Stormwater application materials and information per the Town's Stormwater Regulations;
 6. ADA compliance information;
 7. Information about proposed new connections from the project to the existing sidewalk network in the project's surrounding area;
 8. Information about existing public transit availability and service to the project, or the proposed extension of transit service and availability to serve the project;
 9. Information from MA NHESP about required permitting or approvals for the project, including required amendments to the existing MESA approval, and the applicant's current filing status for such review and approval.
 10. Lighting plans and specifications consistent with the Town's 'dark sky' zoning bylaw provisions.
 11. 11. At the time of filing the comprehensive permit application with the town, the applicant needs to provide an electronic copy of the same to the Cape Cod Commission. The CCC, as a 'local Board' under Ch. 40 B ss. 21-23, will review and provide comments to the ZBA in light of the goals and

objectives stated in the Cape Cod Regional Policy Plan and applicable provisions in the CCC's subject matter technical bulletins.

Police Department - See Attachment

Fire - See Attachment

Health Department - See Attachment

Water/Wastewater - See Attachment

Harbor – See Attachment - See Attachment

DPW- See Attachment

Building – See Attachment

Recreation – See Attachment- See Attachment

Natural Resources – See Attachment- See Attachment

Finance Director – See Attachment- See Attachment

Cemetery – See Attachment - See Attachment

Golf - See Attachment

Council on Aging - See Attachment

Community Center - See Attachment

Brooks Free Library - See Attachment

Resident Questions

- Rosanne Shapiro:
 - 1. the issue of a Massachusetts Endangered Species Act deeded restriction on a portion of the land which Attorney Singer says "will be addressed" - I watched the BOS meeting at which this issue was raised, and that was quite a few months ago. Why has it taken so long to address this concern - I find Attorney Singer's comment very unsubstantial & vague - perhaps he's holding back on specifics until the next time this project is discussed, perhaps to disarm the BOS & other concerned parties?
 - 2. I question the veracity of the statement by Jeff Bush explaining the use of market rates from off-Cape towns; i.e., that there is not enough market rate housing information from the Cape. What does that say about the reliability of this information, i.e., Cape & off-Cape rates may (& probably do) differ?
 - 3. In discussing the proposed "full traffic study," Singer noted that there would be a bus stop and sidewalks that would go into Harwich Center. As a regular rider on CCRTA buses (since I no longer have a car) I am quite familiar with the bus routes. There is currently NO bus route that goes up Sisson Road, the street that intersects Chloe's Path (the Flex route). Is Kemah Apartments planning to negotiate a change in the current Flex route with the CCRTA in order to have a bus stop available to residents of the proposed development????

PLANNING BOARD • 732 Main Street, Harwich, MA 02645

ph: 508-430-7511 fax: 508-430-4703



MEMORANDUM

To: Joe Power, Town Administrator
BOS
From: Jon Idman, Director of Planning & Community Development
Date: March 1, 2022
Re: MassHousing Project Eligibility Letter
Proposed Comprehensive Permit Project, Chloe's Path, Sisson Road

There has already been some discussion with the applicant about certain materials that will be submitted in a comprehensive permit application, or have been provided in draft form; I have not referenced those below. As we have not discussed the following in any detail, the applicant should provide, among other things, in the comprehensive permit application:

- 1) an accurate, complete and detailed list of all waivers from local regulation requested, and all required local permits, licenses and approvals for the project (including but not limited to required or requested amendments to existing local permits and approvals like a potential subdivision modification/ rescission and lot covenant release or amendment, as applicable);
- 2) A transportation impact analysis including trip generation and traffic safety studies for the project study area, which should include but not be limited to the Main Street/ Sisson Road intersection;
- 3) A parking demand analysis;
- 4) Both a site-wide and watershed-based analysis of total Nitrogen to be generated from the proposed development;
- 5) Stormwater application materials and information per the Town's Stormwater Regulations;
- 6) ADA compliance information;
- 7) Information about proposed new connections from the project to the existing sidewalk network in the project's surrounding area;
- 8) Information about existing public transit availability and service to the project, or the proposed extension of transit service and availability for the project;
- 9) Information from MA NHESP about required permitting or approvals for the project, including required amendments to the existing MESA approval, and the applicant's current filing status for such review and approval;
- 10) Lighting plans and specifications consistent with the Town's 'dark sky' zoning bylaw provisions.

At the time of filing the comprehensive permit application with the town, the applicant should provide an electronic copy of the same to the Cape Cod Commission. The CCC, as a 'local Board' under MGL Ch. 40B ss. 21-23, will review and provide comments to the ZBA in light of the goals and objectives stated in the Cape Cod Regional Policy Plan and applicable provisions in the CCC's subject matter technical bulletins.



HARWICHPolice

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Board of Selectmen
Joseph Powers
Town Administrator

FROM: David J. Guillemette *DJG*
Chief of Police

DATE: 3/2/2022

SUBJECT: Chloe's Path Project

I have been asked to provide The Board and Town Administrator with input regarding the Chloe's Path project which abuts the public safety facility.

The construction of 96 rental units may provide the opportunity for some of our town employees to obtain more affordable housing. This would clearly be a benefit for our younger officers.

The project also has the potential to increase calls for service to the police department from that address due to the large number of people located there which estimates have put around 150 to 200 I believe.

Another concern of mine which I don't believe has been answered at this point is the impact of additional traffic exiting and entering the driveway on Sisson Road as well as the amount of added congestion through the center of Harwich which is already an ongoing concern. An extensive traffic study would have to be completed during the summer months in order to estimate traffic impact and identify any mitigation that might be possible.


As you are all aware, the project directly abuts the rear lot line of the public safety property. Prior to the development of a road into the area the thick natural undergrowth provided limited access to the rear of our facility and was not a concern. Now, it certainly is a concern. The police department maintains a large evidence storage area in the rear of our facility as well as numerous police vehicles and private vehicles of our officers. I believe a security fence would have to be added and additional cameras added to cover our secure storage areas.



HARWICH FIRE DEPARTMENT

MEMORANDUM

David J. LeBlanc, **Chief of Department**
Craig W. Thornton, **Deputy Fire Chief**

Date	February 28, 2022
To:	Joseph Powers, Town Administrator
From:	David LeBlanc, Fire Chief 
Subject:	Chloe's Path Project

In answer to your request for input regarding the Chloe's Path project, construction of 96 apartments on Sisson Road, I am providing you with the following:

As Fire Chief, I have addressed my concerns to the Board of Selectmen recently regarding the lack of affordable housing and the impact that this issue will have on the Fire Department's ability to maintain staffing during incidents. While this project can alleviate some of that concern, any housing that will allow workers to live in Harwich should be examined.

The addition of approximately 150 residents to the community can increase the calls for service for all of public safety, particularly when the density of that population is high, such as in this project. While Fire Code will dictate life safety requirements for construction, human nature can create issues with people living in close proximity and getting along.

Access for the Fire Department was addressed in the initial proposal by the developer, but ensuring that enough parking for the residents of the property that will not hinder fire department access is a concern that the department has. The access road around the building must be kept clear, and access to that road must also be clear and marked.

General housekeeping and ensuring there is enough storage for the residents will be essential to ensuring that clutter and household items don't create access issues. This is especially true with some of the parking in the structure's basement and the things often stored in garages.

My final concern regarding this project concerns the access to the rear of the Public Safety Complex from the property. With the current and future training buildings located behind the building, plus various equipment and stored items, ensuring there is no access from the site to the Public Safety rear yard is vital for the safety of the residents.

I am available if any of the items above need further amplification.



**Town of Harwich
Board of Health**

732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us

February 28, 2022

Chloe's Path Memorandum

Public health has long been involved in housing issues. Increased housing is a necessity in Harwich, and on Cape Cod in general. This project is an excellent way to assist many individuals in the area in need of housing. Social Determinants of Health, which are included in Healthy People 2030, lay out that safe housing, transportation, and neighborhoods are major factors that impact overall health and well-being. This project is proposed in a safe, and convenient location. The bus stop is a great addition for public transportation options. The Cape in general is typically not walkable, but this location does provide a variety of areas that are walkable, such as Shaw's, Main Street stores, restaurants, and the rail trail. Although I support this proposal, I do have the following comments and suggestions:

1. I suggest having a strict recorded occupancy limit in writing for each individual dwelling unit. Many one bedroom or studio units are being proposed, and I foresee a potential issue with occupancy limits arising. If the lease agreement holds the condition of maximum occupancy, that may be a way to remediate a potential issue of overcrowding, and potential habitability issues with the Health Department.
2. Shared spaces are important for social and mental health. I suggest thought goes into having multiple common area for socializing, as well as an on-site gym or workout facility.
3. Since there are units with multiple bedrooms, families will be present on site. It would be an appropriate addition to have a designated playground or play area for children.
4. Many housing units restrict or limit pets. Cape Cod is a very pet friendly location, and I would love to see pets allowed. A small designated fenced in area for pets would mimic many off Cape facilities.
5. The first floor space would be perfect for a small coffee shop or convenience store. This would require additional permits, but is something to consider to improve resident's well-being.
6. Smoking should be banned from the property. If it's not feasible to ban smoking on the entire property, I suggest it should be prohibited indoors or within 50 feet of the building.
7. All requirements from 105 CMR 410.00, Minimum Standards of Fitness for Human Habitation, must be met and maintained. Utilities must be included in the rent or each unit needs to be separately metered.
8. Either a groundwater discharge permit, or sewer permit, must be obtained prior to building permit approval. All requirements must be adhered to.
9. A pest control plan needs to be in place and maintained.

10. I suggest deed restricting a set amount of units for low income housing. A lack of affordable housing can affect families' ability to meet other essential expenses, placing many under tremendous financial strain. High housing-related costs place a particular economic burden on low-income families, forcing trade-offs between food, heating and other basic needs

Please contact me should you have any follow-up questions. Thank you for your attention to these comments and suggestions.

Katie O'Neill, Sc.D., R.S.
Harwich Health Director

MEMORANDUM



Harwich Water Department
196 Chatham Road
Harwich MA 02645
P: 508-432-0304
F: 888-774-3557
www.harwichwater.com

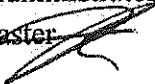
To: Joseph Powers, Town Administrator
From: Dan Pelletier, Water/Wastewater Superintendent
Date: March 1, 2022
RE: Water/Wastewater Department Comments on Proposed 40B - Chloe's Path

Water: The subject parcel located off Sisson Road is presently improved with an 8" watermain installed in February 2018. The watermain connects to the distribution system at Sisson Rd., runs the entire length of the paved way and is suitable for domestic use and fire protection.

Wastewater: There is currently no municipal sewer available at the property however it should be noted that the parcel is situated in the impaired Saquatucket Harbor watershed with an established TMDL. The proposed project will result in additional nitrogen loading and likely require a reallocation of wastewater flows to support the increased density in the watershed.

Town of Harwich
Harbormaster's Office
715 Main Street – PO Box 207
Harwich, MA 02646
Phone (508) 430-7532
Fax (508) 430-7535

Memo

To: Joseph F. Powers, Town Administrator
From: John C. Rendon, Harbormaster 
Date: March 1, 2022
Subject: Chloe's Path

There are many considerations to be made within the Town relating to the proposed 96 unit Chloe's Path housing development project. If the project is approved, there will certainly be an increase in the number of local residents that may or may not use our waterfront facilities, such as the municipal marina, and boat ramps and landings throughout the town. As the Harbormaster, I see no significant impacts to harbor department operations that would raise serious concerns as it relates to the proposed Chloe's path housing project.

Thank you for your consideration.



TOWN OF HARWICH

DEPARTMENT OF PUBLIC WORKS


273 Queen Anne Road • P.O. Box 1543 • Harwich, MA 02645

Telephone (508) 430-7555

Fax (508) 430-7598

MEMORANDUM

TO: Joe Powers, Town Administrator

FROM: Lincoln S. Hooper, Director 

DATE: March 1, 2022

RE: Chloe's Path Comments

At a meeting on February 28, 2022, you requested formal comments from all Town of Harwich Department Heads regarding the proposed 96 unit housing development called Chloe's Path and its potential impacts on services each department provides. Although this development will have minor effects on various services the DPW provides, my main concern is whether the DPW will have to provide snow and ice services to this site.

Currently Chloe's Path is an approved subdivision and as such, is considered a private road that would most likely qualify for snow and ice services under the Town's Private Road Snow Removal Policy. Typically developments of this nature, whether condominiums or rentals, are not considered private roads and do not receive snow and ice services from the DPW.

While this project is being vetted with various Boards and Committees, I urge consideration be given to classifying Chloe's Path as a driveway rather than a private road so the DPW does not end up having to provide additional snow and ice services.

Thank you for your consideration in this matter.

CC: Meggan Eldredge, Assistant Administrator

TOWN OF HARWICH

Building Department

732 Main Street

Harwich, MA 02645



Telephone: (508) 430-7506

Fax: (508) 430-4703

March 1, 2022

To whom it may concern,

This memo is in response to a request for comments concerning the potential development regarding Chloe's Path. At this point in time my comments are limited to the initial potential impact that this proposed development might have on this Department and its ability to provide services.

Some examples to consider;

Starting with the permitting process, the potential of multiple permit applications needing to be processed based on the intent of 96 units would be inclusive of all necessary permits from the Building Department and all other referenced codes, and specialty codes, per 780cmr section 101.4. This amount of applications could realistically be in the hundreds. Another concern involving the permitting process, of a development of this size, is the amount of meetings, phone calls, and plan review necessary under 780cmr 107 Construction Control of the Building Code. This process will include interaction with architects, engineers, construction supervisors, peer review, site visits, inspection reports, and any other multiple aspects of construction control.

Then the actual inspection process will begin per 780cmr 110 inspections, this process has all the potential of adding, my best estimate calculations at this point, approximately 1200 or more combined inspections when you factor in all of the inspectional services from this Department. Finally, this added inspectional process may not end, as according to 780cmr Table 110 Schedule for Periodic inspections of Existing Buildings specifies Maximum Certification periods for residential uses not subject to 780cmr 51 the Massachusetts Residential Code.

It is my opinion that this additional amount of growth proposed in a short amount of time will further exacerbate the current work load conditions that this current department can effectively process.

Respectfully,

Robert Piccirilli

MEMO

To: Harwich Board of Selectmen

From: Harwich Recreation Director, Eric Beebe

Re: Chloe's Path

The current application for the Chloe's Path project will, undoubtedly, increase the number of adults in the community that will potentially use the services of the Town Recreation Department. We currently offer adult and senior programming including pickle ball, tennis, walking club, basketball, bocce ball, volleyball etc.

With more population comes more need for services including recreational activities whether passive or active.

The Harwich Recreation Department welcomes the potential opportunity to service more individuals on a daily and seasonal basis.

We appreciate your attention to this matter

Eric Beebe

Director-Harwich Recreation Department

Natural Resources
Town of Harwich
715 Main Street · P.O. Box 207
Harwich Port, MA 02646
(508) 430-7532 · Fax (508) 430-7535



To: Joseph F. Power, Town Administrator
From: Heinz Proft, Natural Resources Director
Date: March 1st, 2022
RE: Chloe's Path

As Natural Resources Director, I see no impacts to the Natural Resources Department operations as it pertains to the proposed Chloe's Path development project. I neither envision a direct benefit nor a drawback to shellfish habitat, eelgrass, as well as herring and eel migration. If there is anything else I can provide please don't hesitate to contact me.



TOWN OF HARWICH
732 MAIN STREET, HARWICH, MA 02645
TEL: 508-430-7518 FAX: 508-430-7504

February 25, 2022

To: Joseph Powers

From: Carol Coppola

Subject: Cloe's Path

As per your request please find the potential implications of a 96 unit rental building located off Sisson Road

1. Increase in Motor Vehicle Excise
2. Increase in Boat Excise
3. Increase in abatement applications
4. Increase in refund transactions
5. Additional multi-unit property assessment
6. If additional personnel are hired in any department to support the new rental unit then accounting tasks may increase for payroll, benefit and reporting purposes.

The list presented above, while not all inclusive, should support the needs of the Assessing and Accounting Departments.



HARWICH CEMETERY COMMISSION

Office-100 Oak Street, Harwich 02645

Mail -732 Main Street, Harwich, 02645
rkelley@town.harwich.ma.us



Memo

To: Joseph Powers, Town Administrator
From: Robbin M. Kelley, Cemetery Administrator
CC: Board of Selectmen
Date: 28 February 2022
Subject: Chloe's Path

The Cemetery Administrations is aware of proposed 40B - Chloe's Path project which will have 96 units of rental housing on land off of Sisson Road in Harwich Center. As Administrator I am responsible for the Harwich Cemeteries and feel this project will have no or little impact on the cemetery department.



Cranberry Valley Golf Course

Harwich, MA

Memo

To: Board of Selectmen

From: Roman Greer, Director of Golf

cc: Joseph Powers, Town Administrator

Date: March 1, 2022

Re: Impact of Proposed Chloe's Path Project

Dear Mr. Chairman and Members of the Board,

I was asked to comment on the potential impact on the Golf Department from the proposed 96 unit housing project at Chloe's Path. I recognize that there are broader issues associated with this project, but I will focus only on the potential impact to the Golf Department. Because the project does not abut the golf course and there is no direct impact on the golf course property the project's impact on the golf course will be indirect.

The proposed project, as I understand it, is for 96 units, 24 of which are designated as affordable housing. The golf course, as you know, has been setting high water marks for usage by Harwich residents over the past few years. Even as resident memberships continue to increase, it is clear that the average age of resident members at the golf course increases as well. As the baby boomer generation ages-out of golf there is an anticipated drop in the number of golfers nationally. The impact on communities that traditionally have a large population of retirees, like Cape Cod, is expected to be less drastic. Regardless, the golf department has put a primary focus on growing the game of golf among younger age groups through programming to youth (First Tee Program, PGA Junior League, Drive, Chip & Putt Qualifier, commitment to

Monomoy school teams...) and creating membership categories to engage younger golfers (Collegiate & Young Adult Memberships) with the recognition that these will be the future supporters of the golf course. Additional housing units, especially units designated as affordable, should potentially accommodate families that will continue to add to the pool of town golf supporters, which would be a positive outcome.

The affordable housing units of the Chloe's Path project should potentially increase the Town's labor force. The golf course employs mostly students and retirees each year for key seasonal positions, as that is the available labor pool. In the current job market it is increasingly difficult to find suitable candidates. The restaurant at the golf course, run by an independent contractor, listed staffing as his greatest challenge in running the restaurant. Of the 9 full-time employees in the golf department, less than half live in Harwich and one commutes from off-Cape. An increase in the Town's labor force would potentially have a positive impact on the Golf Department.

Please let me know if I can provide any further information on this topic.

Respectfully Submitted,

Roman

Roman Greer, PGA
Director of Golf
Town of Harwich



Town of Harwich COUNCIL ON AGING

Harwich Community Center □ 100 Oak Street □ Harwich, MA 02645
Tel: 508-430-7550 Fax: 508-430-7530

m e m o

TO: Joseph Powers, Town Administrator
Meggan Eldredge, Assistant Town Administrator

FROM: Emily Mitchell, Council on Aging Director

DATE: March 2, 2022

RE: Council on Aging Response to Proposed Chloe's Path Development

The Council on Aging (COA) is aware of the proposed housing development at Chloe's Path. The mission of the COA is to support and advocate for older adults, their families, and caregivers. We serve this mission through transportation, outreach, public health nursing, and nutrition services, and with programs in areas including health and wellness, socialization, entertainment, education, and special interests.

Where the proposed development is not age-restricted, it is unknown how many residents will fall within the older adult category (age 60+ for COA purposes). Though there is sure to be age diversity among residents, some are likely to be seniors. Any portion of those residents may choose to participate in COA programs and services.

With regard to COA operations, we continue to offer both new and ongoing programs to remain responsive to the needs and interests of residents (though the number and type of programs the department can successfully manage at any given time is constrained by staffing and physical space limitations). A number of programs, particularly health and fitness classes, consistently reach their maximum capacity and run a waitlist. An increase in senior residents could potentially exacerbate this currently unmet demand for these types of classes. For other programs, increased involvement would be easier to manage and could positively impact existing participants.

On the services side, public health nursing performed by the Town Nurse on COA staff is heavily utilized and quickly reaching capacity. Demand for these services has dramatically expanded in recent years. The Town Nurse and COA as a whole work to maximize her time, provide consistent quality care, and prioritize highest needs. Still, demand is already impacting services with longer wait times for both initial assessments and follow up and with increases in outside referrals for certain services. Any additional need for these supports might further affect service delivery. Other departmental services are highly utilized, but have more space to absorb expanded demand.

Beyond the particular impact on COA operations but with an eye towards needs facing local seniors, housing remains a major concern. Access to safe, accessible, and affordable housing is consistently considered a top need for seniors. Relatedly, Harwich, and all of Barnstable County, is facing a dire shortage of aging services providers, specifically those providing in-home care. This is largely tied to the fact that workers performing these critical jobs cannot afford to live here. Additional affordable units specifically could help address this need. While housing is an objective community need and significantly impacts the older adult population, it would be beyond my scope to provide feedback on how well the proposed development addresses that need.

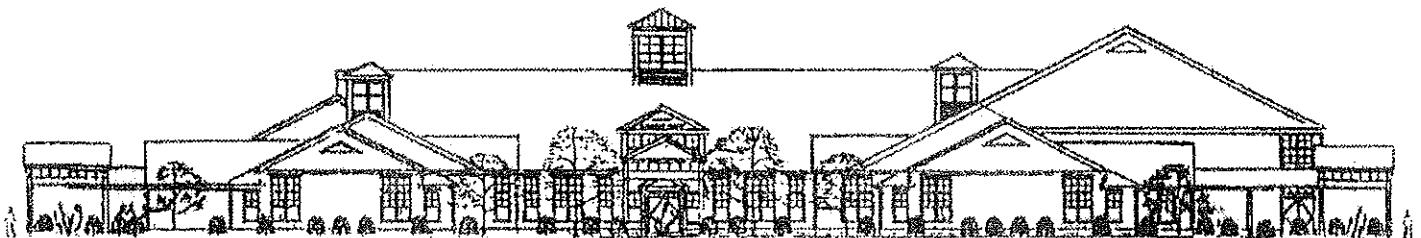
Please let me know if I can provide any additional information from the Council on Aging. Thank you.

I am aware of the Chloe's Path project and the impact it potentially could have within the Community Center.

A key to thinking about changing the physical structure of the community for me, is to approach it with the healthy community philosophy in mind. You have to consider the community as a whole, not as a series of parts. Every change you make has effects on the whole community, even if it's aimed at a specific group or a specific issue, and changes should be discussed with that in mind. A seemingly small change can have far-reaching consequences. This could be the case for the Community Center with the building of Chloe's Path on the programs we offer to the Community.

The mission of the Harwich Community Center is to provide facilities for the residents (permanent residents and nonresident tax payers) of Harwich to engage in recreational, social, civic and governmental activities. The Center should provide opportunities for persons of all ages to participate in a wide range of programs that educate and stimulate the public, enhance self-confidence, and promote mental and physical health.

The opportunities listed above would be offered to all residents of the Town of Harwich. The development of Chloe's Path could bring new residents to utilize the services we provide in the building.



Brooks Free Library
739 Main St., Harwich MA 02645
508-430-7562, vhewitt@clamsnet.org

Virginia Hewitt
From: Library Director Virginia Hewitt
To: Town Administrator Joseph Powers
Subject: Potential Impacts of the Proposed Chloe's Path Development
Date: March 2, 2022

As requested I am providing information on the potential impacts of the Chloe's Path development on Library operations and services and on the community.

The Library operation would not be significantly impacted by the 96 units of rental housing proposed at Chloe's Path. With rental housing we would expect a more varied demographic than the typical second home owner, who tend to be adults approaching retirement age or who have already retired. With year-round rentals a more diverse demographic would be expected, which would mean a wider variety of ages, interests, incomes and backgrounds, so we wouldn't expect any one area of Library use to be unduly impacted.

The density of the proposed development raises concerns in terms of adding to the volume of traffic, particularly in the oddly configured intersection at the corner of Sisson Road, Main St. and Pleasant Lake Avenue, something that has already been problematic - discussed for years but no mutually agreed upon or easily accomplished solution - and because the development will add to the traffic problem during the drop-off and pick-up hours for the nearby Harwich Elementary Schools. Concerns have also been raised about the effect on open space, animal habitat and wastewater. I am not qualified to offer an opinion in these areas so I will leave that to those with more expertise.

We invest significant effort in analyzing the needs of the community in to provide library services that respond to those notes, so I am very familiar with the effect the lack of housing is having on the community. The lack of housing affects residents who are struggling to stay here or to find housing for family members, it affects employers as the labor market shrinks, and it makes the town a less vibrant and less sustainable year-round community. All forms of housing are needed but rental housing is listed as the number one need in the Town's Housing Production Plan.

Time is running short to reverse the "Nantucketization of Cape Cod." I researched our digitized local newspapers and discovered this phrase was first used the Cape Cod Chronicle in 2001 (quote from then Harwich Housing Committee Chair Richard Waystack in the article "Selectmen Juggle Affordable Housing Land Articles For Special Session" by William Galvin in the March 29, 2001 edition.) Some affordable units have been added in the two decades since then but not nearly enough to keep up with the escalating problem. A private development may show results sooner than a publicly funded project, which can take years to come to fruition. Both public and private projects are needed - and public projects will give us more control over local preference for tenants, size of development, location, etc. - but without results soon we will no longer have a sustainable community. A positive of this project is

that it will help keep current residents and families here in town – though perhaps not as many as we would like - and provide rental housing that will attract other working age people to the area.

We see the need for housing everyday at the Library as patrons come to us for reference help, asking questions about housing options, or they volunteer the information that they or their family members are struggling to stay in town while using other library services. We also hear from business owners and managers who cannot find employees because the working age population is shrinking. Finally, I am concerned internally about our ability to hire for both our professional librarian positions and our part-time paraprofessional positions when the inevitable turnover occurs.

More specific information is provided below, but I will summarize by saying there are many positive things about the proposed Chloe's Path development, which will provide critically needed affordable housing and market rate rental housing – I join with others in saying I wish the number of affordable units was higher and the number of total units was lower – however as long as the market rate units are rented to those who will occupy them year-round, as the developer has promised, that help ease the shortage for market rate rental housing.

Detailed Information on Impacts:

I. Library Specific Impacts

Use of Materials

Wait lists for popular item are not expected to be impacted. As one of the larger libraries in CLAMS many of our patrons' holds on popular items are filled by copies of the title from smaller libraries in the consortium once their patrons' holds on the items are satisfied, so there is a consortium-wide collection to draw from, not just the Brooks Free Library collection.

Programs

We have no limits on the numbers of participants in on-going programs for young children such as Story-Time and Pre-school Projects or adult programs such as Book Discussion Groups, Knit-Lit, etc. The addition of several more participants in a discussion group or activity program can be easily accommodated and would, in many cases, make for more vibrant and interesting programs. We sometimes limit registration for special programs but with the expected diversity of ages and interests we don't expect the residents at Chloe's Path to make it more difficult for residents already living in town to attend or participate in our programs

After-school Attendance

The Library has been a popular destination for tweens and teens after school for decades. The students are not in our custodial care so there is no charge to families and registration is not required. The Monomoy Regional School District "community bus" brings students directly from the Middle School in Chatham to the community centers and libraries in both towns. High school students walk to the Library after school.

Pre-pandemic we offered after-school activities and programs, which we plan to begin again. An increase in the number of teens and tweens coming after school can be easily accommodated and may, in fact, make it easier to offer more organized activities for the students. A game program or craft activity may not be as fun or appealing to students if only a handful interested in that activity, for example. Tweens and young teens are learning how to

be out in public without their parents and periodically there will be some misbehavior as they learn what is appropriate and what is not. The Chloe's Path development is within walking distance of the Library, which means students who become bored will not be "stuck" here – they can walk home instead of continuing engaging in inappropriate behavior while waiting to be picked up. For these reasons even if the Chloe's Path development results in more tweens and teens using the Library after-school we do not foresee any adverse impacts.

Staffing

I am personally aware of several Library Directors in the area, making good salaries, who have been desperate to find housing when their rental was sold or personal circumstances changed. We've been fortunate at Brooks Free Library to have had little turnover of our professional librarians but the impact of lack of housing on recruitment has been a growing problem for years. I regularly hear from my counterparts that they have been unable to fill positions, often the successful candidate eventually declines the job offer because they cannot find housing. The quality of services for the public will decline if we are not able to hire our first or second choice but are simply choosing from candidates who are already here. I know this is happening already, both in libraries and in other professional occupations.

A newer concern is recruiting and retaining our part-time paraprofessional staff members, which account for 73% of our staffing. These positions are becoming much harder to fill as the working-age demographic on the Cape shrinks due to lack of housing. Many of our part-time staff members work multiple jobs as they try to earn a living. Employers have traditionally tried to keep positions part-time to avoid the cost of benefits but that is now changing as they attempt to attract employees. While this is a positive change for our community members, it will make it harder for us to fill part-time positions.

II. Community Impacts

Sustainable Community

Harwich has been fortunate to not be a bedroom community, where residents work elsewhere and are only here to sleep, with no real sense of belonging or connection to others in the town. We are, however, looking at a very real possibility of becoming the opposite type of town - a place where the residents live here but the workforce – if we can attract them – doesn't live anywhere close by. Neither situation makes for a true community. Additional housing – affordable and workforce, rental and home ownership – is needed if we are to reverse this trend and remain a vibrant, sustainable year-round community.

Revitalization of Historic Harwich Center

I love the historic village center - I have lived and worked in Harwich Center for 23 years - and have a vested interest in maintaining its character. I've been active in the various Harwich Center Initiative efforts, most recently serving as the secretary of the last official committee in FY19. Some have expressed the view that the Chloe's Path development will detract from the historic character of the village center because of the number of units and the traffic issues it will create. Those are valid points and I hope they can be addressed and the impacts mitigated. From a planning point of view, however, as I understand it as a lay person, density is important for a village center. A lot of time has been spent over the years on ideas for creating a walkable village center. This is how village centers stay vibrant – a customer of one

business notices a shop or restaurant nearby and decides to stop in and patronize it. Is Chloe's Path close enough to the village center where residents will walk there? Most probably will not as we are a car-centered society, but at least this development is close enough that walking is possible. Whether tenants walk or drive, however, they will likely add to the customer base for the shops, restaurants and businesses and that should help those businesses thrive and keep the village center vibrant, as it was historically. If a sustainable revitalization of Historic Harwich Center is a goal, then the addition of customers within a short distance of the businesses should help achieve that objective.

Location – Environmental, Traffic and Other Considerations

The effect of the density of the proposed development on traffic volume, congestion, animal habitats, natural resources, water quality and demand for services on other Town departments are all very real concerns. Again, these are issues better detailed and addressed by others. Some positives about the location of this proposed project are that it is on a public transportation route, close to schools, a church, grocery stores, parks, playgrounds, community services and other factors often cited as important when choosing locations for housing developments, particularly those with an affordable housing component.

I appreciate the difficult decision the Board of Selectmen has to make on whether or not to support this project. I would be happy to provide any additional information on the effect on Library operations and services and/or on my perspective as the Library Director on the needs of the community we serve.

information. Mr. Powers asked the Board if they think it advisable to resume the in-person traditional joint meeting with the Selectmen and Finance Committee. The Board agreed.

Mr. Ballantine asked why the upcoming bylaw and charter meeting talks about municipal calendar versus fiscal calendar. Mr. Powers responded that he met with the committee and they requested to have a more comprehensive municipal calendar. The also promised the committee that he would like to come back to have an opportunity to refine what the charter requires of the deadlines versus what can be done in reality.

C. Discussion and possible vote on Remote Participation policy per a request of a member of the Affordable Housing Trust

Mr. Powers commented that the request has changed someone. The request comes from Larry Brophy who serves on the Trust. The original request was from December to March. Due to a funeral, Mr. Brophy is currently out of the state. Speaking as a member and chair of the Trust, Mr. Powers asked the Board to approve this request.

Ms. Anderson commented that she doesn't have a problem with this specific request but worried that it might invite a broader zoom participation request.

Ms. Kavanagh stated that she doesn't see a reason to limit this and that this might be a chance to have a broader discussion. Remote participation might also help fill some committees as well.

Ms. Anderson moved to approve the Remote Participation policy per a request of a member of the Affordable Housing Trust effective November 2021 through March 2022, 2nd by Mr. Ballantine and approved 5-0-0.

OLD BUSINESS

A. Discussion and possible vote to support the Local Initiative Program (LIP) for Chloe's Path Affordable Housing Development

Attorney Andrew Singer was present along with the Chloe's Path development team. They submitted a memo to the Selectmen which answered questions as best possible as well as provided additional information. Attorney Singer stated that he hopes the Board will vote to support it.

Mr. Ballantine stated that he appreciates the applicant in terms of working with the abutters about concerns of lights and borders around the property. He would be interested in more information on the comments regarding net zero nitrogen loading. It appears that the applicants approach would be to hook enough neighboring properties to the sewer system. Mr. Ballantine asked for explanation on how that process would work and what the cost would be. John O'Reilly was present and stated that the goal is to remove nitrogen from the embayment that the wastewater will be discharging in to. You can find a property in the area that has a failing septic system or someone looking for de-nitrification, and then introduce innovative alternative technology treatment to lower the nitrogen. You would have to canvas the area and look at what options might be available. Attorney Singer added that until all of the survey work is done in conjunction with DEP, we just don't know.

Mr. Ballantine commented that one of the benefits of the Board supporting this would be that the Town could negotiate an agreement. He wondered if we could say that if the project couldn't meet net zero nitrogen that it falls apart. Attorney Singer responded that because this project is more than 10,000 gallons per day of flow, it will require a discharge permit from DEP.

Mr. Ballantine stated that one of the comments that we have heard is the lack of community discussions. He asked if they have had a chance to meet with the abutters regarding their concerns. Attorney Singer responded that they held a community meeting with abutters months ago. Mr. Bush has spoken to different neighbors regarding their concerns. They have every intention to continue community outreach. A lot of concerns that they are hearing is that neighbors would like to see the density cut in half, which Attorney Singer stated would not work for this project. They are open to having meetings to discuss lighting, rentals, landscaping, etc.

Ms. Anderson appreciates the work that the applicants have done since the last meeting. She asked why some of the leases run for 10 months. Ms. Anderson also wanted to confirm that the applicant is proposing heat pump technology. Brian Bush was present and responded that 10-12 months for leasing is based on seasonality and when there is the most rental demand. As far as electric heat, the newest heating technology is electric heat pumps which are efficient and cost effective. They have used heat pumps in their projects for the last 4-5 years.

Ms. Kavanagh thanked the applicant for all of the work that they have put in and stated that she likes the addition of the 8 extra work force housing units. She asked if the applicant has any idea of what the average electric bill would be. Mr. Bush was not able to provide a number but did state that the worst electric bill in the coldest month for a 2 bedroom unit would probably be a couple hundred dollars a month. He added that they have not had anyone move out of their buildings due to the heating technology. Ms. Kavanagh added that on the Cape, we don't have the electrical bargaining power like they do off-Cape. At one point, the Cape was 2nd to Hawaii with electrical rates, which is why she has concerns about the rates, in addition to the high rental rates. Ms. Kavanagh also had questions about parking and asked if they have given any consideration to losing the underground parking and then seek a variance for parking, which would lower the height of the building. Mr. Bush responded that in order to lower the building, they would have to lose an entire floor or just build on the back half of the property. He added that on Cape Cod, covered parking is a big amenity. Attorney Singer responded that when you look at the topography on the site, yes the buildings are taller, but you will have very little visibility because of all of the proposed screening for the site.

Mr. MacAskill noted that his concern still relates to density adding that he cannot wrap his head around the rental rates. He does not see a 96 unit building fitting into the character of Harwich.

Mr. Howell stated that he largely agrees with most of the comments and has the same misgivings about the 40b process. Only in some sort of alternate reality do you get credit for as affordable units when only a small percentage of them are truly affordable. Mr. Howell also commented that he feels like a hostage with this process. If this were being done as a LIP request after the applicant had received approval from the State to release them from the Conservation Restriction that was imposed on the deed, he would feel differently. Mr. Howell does not feel that the Town should be used as a lever to create an opportunity like this. If things change at the State level, then it would be a different discussion.

Ms. Anderson thinks that it is worth it to have this many units in town. The applicant has addressed the environmental issues and the cost is the developer's burden. Ms. Anderson is very much in favor of this proposal, adding that it is a good step forward.

Ms. Kavanagh stated that she has struggled with this from the beginning. She feels that when you combine the number of units, rental rates, density, height of the building and the electric heat, that this project just does not help people in our community. She would like to see something to lower the costs that would help people in the community.

Mr. Ballantine agreed with the concern regarding the rental rates. Even with his reservations, Mr. Ballantine stated that he would support this request, but would like to see a work out of the final agreement.

Ms. Anderson does not feel that the developer would propose rates that they didn't think people would pay. She is not sure why the Town would be concerned about the market rates. Ms. Kavanagh agreed but added that if people don't rent the units, the rates will need to be lowered. Her real struggle is that we need rentals that people in our community can afford. We want people to be able to live and stay in our community.

Attorney Singer stated that when you look at Cape Cod, there are people who make good salaries but unfortunately, they cannot afford to rent and they definitely cannot afford to buy. As they have said, the affordable rental rates are set by the Federal Government. He does understand that this will not be the property for everyone looking to rent. They do feel that this project will meet and serve a particular need and that it will succeed.

While Mr. Howell sees the need for housing, he would rather protect the process. Attorney Singer responded that no one is denying that there is a deed restriction on the property that will need to be amended, adding that times evolve and things change.

Mr. MacAskill commented that the applicant has been honest, accommodating and transparent throughout this process. If the project was different with less density, he would feel differently about this vote.

Ms. Anderson moved that the Board vote to support the Local Initiative Plan for Chloe's Path affordable housing development, 2nd by Mr. Ballantine and denied 2-3-0 (Kavanagh, MacAskill & Howell opposed).

B. Discussion and possible vote to approve the proposed Local Comprehensive Plan (LCP) committee charge

Town Planner Jon Idman was present. He provided a written document to the Board which is a solicitation to at large community members. At this point, he would like to have the document printed, posted on the website, advertised in the Cape Cod Chronicle and sent out via email to start the process of filling the committee.

Mr. MacAskill asked the Board if they want to review the applications or have them go through the interview committee. Mr. Ballantine responded that the applicants should be interviewed by the full Board.

Mr. Ballantine commented that it would be helpful to have a general timeline of we will expect from the committee and staff. He would like to see a clear end point that we are shooting for. Mr. Idman responded that it will likely be a 2 year process. In terms of expectations of members and work product, he agrees with having a timeline, adding that information could be included in applicant's appointment letters.

Given the time of year, Mr. Idman recommended that applications be received by January. Ms. Anderson suggested a date of January 15.

Mr. Howell feels it will be important to have applicants who have been longtime residents and want to be part of the process. Mr. Idman reviewed the document provided.

Attorney Andrew Singer was present and stated that he would respond to most of the questions in 2 weeks. As far as the Cape Cod Commission, Cape Cod 40b's are exempt from the process, thought the Commission does comment on them. In regards to the traffic study, they have done preliminary research and will be doing a full traffic study with seasonal conditions as they have previously stated.

Mr. MacAskill stated that he spoke with the developer regarding their project in Hudson that they sold. The developer had a different partner and different financing mechanism and someone wanted out. The developer has stated that they do not intend to sell this project.

Mr. Ballantine thinks that as this process goes forward, we have the ability to negotiate conditions. He commented a concern about the height of the building and wondered what would happen if the 3rd story of the building was removed which would reduce it to 62 units. The Board has also heard concerns regarding traffic. Mr. Ballantine would like to see this project limited to year round rentals and prohibit the opportunity for them to be converted into condominiums at a later date. In the past, we have looked at other projects to address directional lighting to give some relief to abutters. Another condition suggested was the improvement of sidewalks from Harwich Center to Shaws. Open space is vital and Mr. Ballantine would want to see strict conditions of the wildlife corridors.

Ms. Kavanagh stated that she does not see the proposed market rate rents as feasible for this area and doesn't see this as the housing that we are looking for. As much as we need housing, we need it for the people in the area that can afford it. Ms. Kavanagh added that it is important to find a way to have more workforce housing. The applicant has stated that there will be sewer in the area in the near future, which Ms. Kavanagh disagreed with. Page 2 of the marketing and outreach plan needs to be revised to reflect the correct town. If we are looking at reducing the numbers, Ms. Kavanagh suggested that if we are looking at reducing the numbers, maybe they look at the underground parking. She noted that nothing in the plan shows a proposal for solar but does show the units being heated with electric.

Ms. Anderson thanked everyone who has submitted comments regarding the project. She feels that we cannot let the perfect get in the way of the possible good of this project and would like to see us work together with the developer and condition the project. If the developer wants to stick with 96 units, she would like to see a 3rd of them be affordable. In addition, Ms. Anderson would like to see ADA compliant sidewalks from Route 28 to Harwich Center, all units to remain rental units in perpetuity, all units be year-round residents, if the property is connected to sewer, that all costs of connecting to the sewer belong to the developer and see maximum occupancy numbers for the units. In closing, Ms. Anderson wants the developer to work with the neighbors to mitigate any problems that they have described.

Mr. Howell acknowledged that he is a member of the Harwich Affordable Housing Trust and has been a member of the Harwich Ecumenical Council for the Homeless for more than 2 decades and added that he is not speaking on behalf of any of these organizations. Mr. Howell feels that perpetuity is not as long as it used to be. Mr. Howell objects to the town being a hostage by this request. He would like to see the applicant get approvals from the state and the conservation restrictions modified and then come back before the Selectmen for a discussion. Mr. Howell also stated that he is unimpressed with luxury units being counted towards the number of affordable units. Right now, he is still of the mind that he wants to see

B. Discussion and possible vote to support the Local Initiative Program (LIP) for Chloe's Path Affordable Housing Development

Attorney Andrew Singer was present along with Peter Donovan & Garry Terry. Also present were Brian Bush, Jeffrey Bush, Kurt Rayber and Randy Hart.

Attorney Singer noted that this is their second session with the Board. They have submitted a significant amount of information at the first meeting and have provided supplemental information for this meeting. They feel that they have submitted everything that Town Counsel referenced in her presentation to the Board. With this project, they will be asking for 2 waivers. For any 40b, you will always need a waiver for density. Attorney Singer commented on the number of units, number of bedrooms, and layout of the affordable units and disbursement of the units around the property. Attorney Singer stated that the project as presented, complies with all Harwich dimensional setbacks as well as all building and site coverage requirements. The existing deed restriction will be honored and complied with as well. A preliminary traffic analysis has been submitted to the Selectmen and a full traffic study will be done as part of the Zoning Board of Appeals process. The project will also be complying with the MESA and NHESP restrictions that are on the property. As was discussed at the last meeting, a couple of the corners of the buildings cross the MESA boundary lines, so the applicant will be discussing an amendment to rearrange where the open space can be moved to. If MESA does not approve the amendment request, the project can be shifted in its design. According to Attorney Singer, there is no requirement under local law for any treatment of nitrogen. They are proposing an advanced treatment system to address the nitrogen.

Mr. MacAskill asked for clarification on the number of cars in the traffic analysis. Mr. Hart responded that the numbers provided are for peak day projections and comes from real data that has been collected in the field. The numbers provide in the analysis look at one hour of data in the morning and one in the evening during peak hours.

Mr. Ballantine feels that context is missing from the report. He asked what the traffic is now and what percent increase there would be from this project. Mr. Hart responded that the report is preliminary and that they would be completing a full traffic study. They will be looking at volumes on the street today versus what they are proposing to find out what the impacts of the project will be.

Ms. Kavanagh stated that summer traffic and the location of the property behind the Public Safety Building needs to be considered as well.

Mr. Ballantine asked to see on the map where the deed restricted property is located. Attorney Singer reviewed the map and added that there is an agreement that an old pump house on the property will be removed and plantings would be installed. He has met with the Conservation Administrator on site. All local permits have been granted to remove the pump house.

Mr. Howell asked if the road entering the complex would remain private. Attorney Singer clarified that the road would be considered a driveway and not a legal road. Mr. Howell wanted to confirm that maintenance of the road would rest with the private developer. Attorney Singer responded that it would be part of the management of the property.

Attorney Singer stated that the only 2 waivers that have been identified are for density and height and that even though the density is greater than what could be there, it will be better environmentally and will comply with town requirements for open space, building coverage and site coverage. As far as height, the project is a 3 story building with parking at grade under the building.

Attorney Singer briefly reviewed the plans that show the view of the complex from Sisson Road, one from the driveway and one from the Public Safety Building.

At the last meeting, team talked about their experience, the project description, site drawings, floor plans, coverage, waivers and public safety needs. They have met with Department Heads including Public Safety. At the end of the first session, there was a lot of discussion in the room about whether or not there is a need for this type of development in Harwich. The applicant feels that this is the right property for this project. In addition to the affordable and work force housing, there is a need for market rate rentals. The market rate units have been designed for income levels of \$69,000 through \$100,000. Attorney Singer did state that they can't speak to what the rents will be because the project is still 2-3 years away. The applicant feels that this project will help move the momentum to address the housing needs.

Attorney Singer closed out by thanking the Board of Selectmen for their time and hopes that the town will partner with the applicant to move the project forward.

Mr. Powers had questions about the market rate analysis materials that were provided. Mr. Bush talked about the benchmark rents noting that there is a pretty broad range.

Mr. Powers stated that the town is working on a project of sidewalks from center to center and commented that there are not sidewalks on either side of Sisson Road from the Cultural Center to Route 28. He wondered if a mitigation proposal could be that the applicant provide sidewalks in the area. Attorney Kwesell responded that in her opinion, sidewalks would be good mitigation.

Mr. Howell commented that work force housing is ill-defined by the state, adding that work force housing would be at the lower end of the market rate rentals. Under state law, affordable housing units are dictated by the area median income. The town has made it clear that there is an interest for affordable housing.

Mr. Bush commented that the range for affordable housing based on unit sizes can be different. In their analysis, there may be people who are attracted to a larger one bedroom unit versus a unit on the upper level.

Mr. Powers stated that the Board is going to have to base their decision solely on the materials that have been provided. If the Board is going to endorse this, they will then need to be able to sell it to the public. He feels that there needs to be more substance that the town can rely upon to show that this project will have more work force housing available.

The Board, Attorney Singer and the development team had a discussion on affordable units versus work force housing units.

Ms. Kavanagh commented that the documents provided talk about doing an expanded market analysis to include Plymouth and surrounding areas and thinks that we can all agree that the Plymouth area is not the Cape and that the analysis cannot be accurate using that information. Ms. Kavanagh agreed that the need for housing units is there and would like to see more of a local analysis of rents, true salaries and what is more affordable, before the Board can weigh in further. Mr. Bush responded that they expanded to Plymouth because there is no comparable product on the Cape to look at.

Mr. Howell stated that the step above affordable units are the work force units. He asked what the mechanism would be to say what number of units should be for work force. Attorney Singer responded that there is a need for housing for even the market rate units. Mr. Howell added that the public needs to understand the scenario of what people can afford in the market.

Mr. MacAskill referred to a LIP project in Brewster and asked where they got their rent information from. Mr. Bush responded that he is not sure where their data came from.

Ms. Kavanagh would like to see the applicant take a look at the collective survey of rents that has been done by the Cape Cod Commission. She went on to ask if the applicant would still be able to meet the site

coverage requirements if the parking was not under the building. Attorney Singer responded that they would likely exceed the site coverage.

Ms. Anderson stated that she assumes that the applicant will come back with clarity on what the rates are. She does believe that we need density. Ms. Anderson would like to make sure that all environmental concerns that were brought up at the last meeting are addressed. Attorney Singer responded that there will not be an impact to the wetlands. Creating a turtle habitat is on the deed restricted parcel to the South East. No town permits are required for the habitat and will be coordinated with NHESP. All other environmental regulations will be complied with.

Ms. Anderson also noted concerns that were brought up from neighbors regarding lights shining in their windows and how they would be addressed. Mr. Bush responded that he met with the neighbor who had concerns and informed them that their concerns would be addressed. As far as the neighbors' concerns about the impacts of cars on medical conditions, Mr. Bush stated that he would need someone with more of a science background.

Ms. Anderson asked if the applicant is under any current litigation for projects. Mr. Bush responded that they are not. Ms. Anderson added that she would be interested in talking about the MOU and the possibility of bumping up the number of affordable units.

Ms. Anderson has heard that the most successful housing developments have a property manager who lives on site. Mr. Bush responded that they won't necessarily have a property manager live on site, but that they will have someone on site 40 hours a week as well as 24/7 on call maintenance.

Mr. Howell wanted to confirm that the plan proposes one parking space per unit under the building. Mr. Bush responded that is correct and that there will be a total of 165 parking spaces on site. Mr. Howell thinks that it is unrealistic to think that residents here can rely on mass transit. Mr. Bush responded that parking is often something that is mandated by a town or city and that he understands that this is a car dependent community. If people can't park, they won't rent there and added that they are confident with the number of proposed parking spaces.

Mr. MacAskill stated that the Board is going to have another meeting for discussion and will allow the public to weigh in. They will then have a follow up meeting with Attorney Singer and the development team. Mr. MacAskill went on to say that he has talked to a lot of housing advocates and noted that housing is not just about density. He is not sure about the 96 units and would not vote to support this tonight.

Clara McLardy was present and stated that she recognizes that there are far more minimum wage jobs open than there are people to fill them. She thanked the Board in advance for representing the people of Harwich, noting that there is no simple one size fits all solution.

Kathy Klobridge was present and commented that she has been watching this project for years and went on to review the approvals that have already been given. She feels that it is a sad prospect for the property that has a lot of species on it. She is not sure why the town should trust and partner with someone who already hasn't done what they said they were going to.

Jay Coburn was present and reviewed the properties that the Community Development Partnership has worked on. He went on to make the point that this is a unique opportunity for the town to work with the developer and leverage private sector development at no cost to the tax payer. While some have expressed concern over the size of the project, he noted that small scattered developments are just not financially viable. Mr. Coburn encouraged the Board to work with the developer and take advantage of this opportunity.

Jay Walpole was present and lives right across the street from the development entrance. He provided a document regarding airway obstructive disorders and COPD, which his wife suffers from. Mr. Walpole

The applicant is asking that the Board of Selectmen support the LIP, issue an endorsement and sign the application.

Mr. Powers suggested that the Selectmen have put this on a future meeting agenda, noting that tonight was for the purpose of Attorney Singer and his team to make a presentation and start to collect comments.

Ms. Anderson applauded the applicant for coming forward with an affordable housing proposal. She stated her concern that the prices, even for the affordable units, seem very high to her. She asked if there would be an onsite manager for the property. Attorney Singer responded that the affordable unit prices are pegged to the prices and guidelines that come from the Department of Housing and Urban Development for the region that the units are in. Whatever the prices are when the housing units go online it what will be charged. There will be a lottery process for the tenants with a local preference for the first run. There will be 2 full time staff on site from 9-5 on weekdays as well as 24/7 maintenance available.

Mr. Ballantine asked for clarification on how the 40b process works. Attorney Singer responded that the Selectmen's support of the LIP application is saying that they support affordable housing on this property. The ZBA will look at the application and condition the project, if approved.

Mr. Ballantine asked who would do the economic study. Attorney Singer responded that under 40b, it would be the state.

Mr. Ballantine noted that the Police Departments response is that they aren't concern about the residents, but that they are concerned that the residents would be concerned about noises coming from the Public Safety Building. Attorney Singer responded that this topic came up at the Department Head meeting and the response was that it would not be an issue. Brian Bush was present and stated that in his general opinion, the benefits of the location of the Public Safety Building far outweigh the negatives.

Mr. Howell stated that for the last 23 years he has been involved in the Harwich Ecumenical Council for the Homeless and that he does care about housing. He does have a problem with getting 100% affordable housing numbers for all of the units not being affordable. Forgetting about this project, Mr. Howell wants to make sure that we know what is being planned and who will benefit from it. He stated that he is concerned that with 75% of non-affordable units, in this kind of environment, how they can be sure that someone will not try to sublet or use an opportunity to re-rent the unit. Attorney Singer responded that subletting or re-renting units would be prohibited by the least. If someone were found to be subletting, it would be a violation of their lease. The property owner would file a motion in housing court for violation of the lease and the person would be evicted. This process generally takes between 6-8 weeks.

Mr. MacAskill asked what is different from this proposal versus the original that was put forward. Attorney Singer responded that the only change was to the floor plan layouts. Ms. MacAskill asked what the difference is between the LIP/friendly 40b and a regular 40b. Attorney Singer responded that there is more input and discussion with a LIP than a regular 40b. Normally, under a 40b, these kinds of meetings would not happen. The LIP is a chance for leadership of location communities to have more input.