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CAPE COD COMMISSION

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| Project: | Wychmere Hotel Redevelopment (Cape Cod Commission File No. 25026) |
| Property Owner/ | Wychmere Harbor Real Estate, LLC |
| Applicant: | Wychmere Harbor Real Estate, LLC |
| | c/o Andrew Singer, Law Office of Singer & Singer, LLC |
| | P.O. Box 67, 26 Upper County Rd, Dennisport, MA 02639 |
| Project Site/Location: | 23 Snow Inn Rd, Harwichport, MA 02646 |
| | Assessors ID Map 8 Parcel P-2 |
| Title Reference: | Registry of Deeds Book 24547 Page 55 |
| **DRAFT** Date: | January 28, 2026 |

## SUMMARY

The Cape Cod Commission finds that the proposed development is consistent with the Cape Cod Commission Act ("Act"), the Cape Cod Regional Policy Plan ("RPP"), municipal development bylaws, and the Commission-certified Local Comprehensive Plan ("LCP"), and that the probable benefit of the proposed development is greater than the probable detriment and therefore approves the application of Wychmere Harbor Real Estate, LLC as a Development of Regional Impact (DRI).

## FINDINGS

*The Cape Cod Commission ("Commission") hereby finds and determines as follows:*

### Project Description

F1. The Project Site is bordered to the west by Snow Inn Road and Merkel Beach, to the north by private single-family homes, to the east by Wychmere Harbor and Wychmere Harbor Channel, and to the south by Nantucket Sound.

F2. Wychmere Harbor Real Estate, LLC ("the Applicant") proposes to demolish two existing hotel buildings containing 32 guest rooms and replace with a single hotel building containing 72 guest rooms. The Project includes the following development activities and improvements:

a. demolition of the existing Snow Inn (30,810 sf) and Channel House (4,050 sf) buildings which, combined, contain 32 guest rooms;
b. construction of a new three-story hotel building of 75,322 square feet, containing 72 guest rooms;
c. reconfigured parking facilities, which include covered spaces below a terrace connected to the hotel building, permeable pavement, and electric vehicle (EV) charging stations;

d. reconfigured driveway entrances, pedestrian infrastructure, structured lawns, and landscaped areas;
e. a stormwater management system with recharge basins and infiltration structures; and
f. an upgraded on-site wastewater treatment facility ("the Project").

F3. The Project Site is a previously developed property containing the Wychmere Beach Club Resort, hotel, indoor and outdoor event spaces, pools, private condominium residences, and associated parking and wastewater infrastructure. Development work associated with the Project is limited to the portion of the property containing the Snow Inn and Channel House hotel buildings and surrounding parking areas; other portions of the Project Site will remain unchanged.

**Jurisdiction/Procedural Background**

F4. The Project requires mandatory Development of Regional Impact ("DRI") review pursuant to Section 3(e)(iv) of the Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact* ("*Enabling Regulations*"), as revised November 2021, because it proposes Demolition and replacement not resulting in a Change of Use which results in a net increase in Gross Floor Area greater than 10,000 square feet of commercial space.

F5. Section 13(d) of the Cape Cod Commission Act and 6(c)(viii) of the *Enabling Regulations* contain the criteria for DRI approval, which include consistency with the Cape Cod Regional Policy Plan ("RPP"), and applicable District of Critical Planning Concern implementing regulations, Municipal Development Bylaws, and Commission-certified Local Comprehensive Plans ("LCPs"). The Commission must also find that the probable benefit from the Project is greater than the probable detriment.

F6. The Town of Harwich referred the Project to the Cape Cod Commission on October 17, 2025.

F7. A subcommittee of the Cape Cod Commission held a substantive public hearing in the Town of Harwich on December 16, 2025.

F8. A subcommittee of the Cape Cod Commission held public meetings on January 7, 2026, January 27, 2026, and February 2, 2026 and recommended that the Cape Cod Commission approve the Project.

F9. The Cape Cod Commission held a public hearing on February 5, 2026 and voted to _____ the Project, with conditions.

**Municipal Development Bylaws and Local Comprehensive Plan Consistency Review**

F10. The Project is located entirely within the Town of Harwich.

F11. There are no District of Critical Planning Concern ("DCPC") implementing regulations pursuant to the Commission's *Chapter E: District of Critical Planning Concern (DCPC) Regulations* applicable to the Project.

F12. Under the Harwich Zoning Code, the Project Site is located within a Residential-High Density 3 (R-H-3) district.

F13. Based on written testimony, dated December 16, 2025, from Christine Flynn, Harwich Director of Planning & Community Development, the Project will require approvals and/or permits from the Town of Harwich Planning Board, Board of Appeals, Conservation Commission, Select Board, and Department of Public Works.

F14. Subject to review and approval by relevant Town authorities, the Project is consistent with applicable Municipal Development Bylaws.

F15. The Commission-certified Local Comprehensive Plan ("LCP") for the Town of Harwich's Local is the 2000 Harwich LCP. Based on written testimony from Christine Flynn, dated January 21, 2026, the Commission finds that the Project is consistent with the Commission-certified LCP for Harwich.

**Cape Cod Regional Policy Plan Consistency Review**

F16. The Commission reviewed the Project relative to the 2018 RPP, as amended in March 2021, and companion Technical Bulletins, which were those in effect at the time the Commission commenced substantive hearings on the Project.

F17. Per Section 9 of the 2018 RPP, the Commission determines the Project's consistency with the RPP by determining whether the Project is consistent with the goals and objectives in Section 6 of the RPP, as particular goals and objectives are deemed applicable, material, and regionally significant relative to the Project. The companion Technical Bulletins set forth the methods by which the goals and objectives may be met.

F18. Under the 2018 RPP, companion Technical Bulletins and maps, based on the Project's location and the surrounding development context, the Project's Placetype is Maritime Area. This Placetype encompasses clusters of commercial and mixed-use development that contribute to Cape Cod's working waterfront and harbors. These areas help to define Cape Cod's unique maritime history, are an important component of the Cape's economy, and provide recreational opportunities for both residents and visitors. Maritime Areas will include both public and private harbors, marinas, mooring fields and nearby commercial activity and historic maritime villages.

F19. The following goals and objectives from the 2018 RPP, as discussed below, are those applicable, material, and regionally significant relative to the Project and are thus subject to the Commission's RPP consistency review: Water Resources goal and objectives WR1, WR3 and WR4; Wetlands Resources goal and objectives WET1, WET2, WET3, and WET4; Wildlife & Plant Habitat goal and objectives WPH1 and WPH5; Open Space goal and objectives OS1 and OS2; Community Design goal and objectives CD1 and CD2; Coastal Resiliency goal and objectives CR1, CR2, and CR3; Transportation goal and objectives TR1, TR2, and TR3; Energy goal and objectives EN1, EN2, and EN3; Climate Mitigation goal and objectives CM1, CM2, and CM4; Cultural Heritage goal and objective CH3; and Economy goal and objectives EC1, EC2, and EC4.

***Water Resources***

F20. The Water Resources Goal of the RPP is to maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources. The Water Resources objectives that are applicable, material, and regionally significant relative to the Project are to: protect and preserve groundwater quality (WR1), protect, preserve and restore marine water resources (WR3), and manage and treat stormwater to protect and preserve water quality (WR4).

F21. Objective WR1 aims to protect, preserve, and restore groundwater. To do so, projects must limit site-wide nitrogen loading to groundwater to 5 parts per million ("ppm") (or mg/L), prevent adverse impacts to downgradient existing or proposed drinking water wells, and site septic systems or other sources of contamination to avoid adversely impacting downgradient existing or proposed drinking water wells.

F22. There are no existing or proposed drinking water wells downgradient of the Project Site.

F23. Under existing conditions, site-wide nitrogen loading is 4.97 ppm. Utilizing an upgraded wastewater treatment system, the proposed Project will reduce site-wide nitrogen loading to 3.14 ppm. By maintaining site-wide nitrogen loading below 5 ppm and avoiding adverse impacts to drinking water wells, the Project is consistent with Objective WR1.

F24. Objective WR3 seeks to protect, preserve, and restore Cape Cod's marine water resources. As described in the Technical Bulletin guidance, Objective WR3 requires that DRIs in a Marine Water Recharge Area ("MWRA") where a critical nitrogen load has been determined through either a Total Maximum Daily Load or Massachusetts Estuaries Project Technical Report must not add nitrogen to the MWRA watershed.

F25. The proposed Project is located within the MWRA for Wychmere Harbor, which has a critical nitrogen load determined by the Allen, Wychmere and Saquatucket Harbors Embayment Systems Total Maximum Daily Loads for Total Nitrogen.

F26. Under existing conditions, which include a wastewater treatment system with an installed treatment capacity of 40,074 gallons per day (original permit design flow of up to 80,000 gallons per day), a current recorded peak daily flow with permitted design flow of 26,925 gallons per day and a permitted effluent nitrogen concentration limit of 10 mg/L, the Wychmere Beach Club Resort currently discharges 398 kg of nitrogen per year, inclusive of wastewater and stormwater sources of nitrogen. The proposed Project includes a wastewater treatment facility with permitted design flow of 40,074 gallons per day and a cumulative annual nitrogen load limit of 277 kg nitrogen per year. By utilizing an upgraded wastewater treatment process the total mass of nitrogen produced by the Project, including wastewater and stormwater sources, will be 303 kg nitrogen per year, a reduction of approximately 95 kg per year compared to current conditions.

F27. Consistent with WR3, the Project will not add nitrogen to areas within the nitrogen-impaired Wychmere Harbor MWRA watershed.

F28. Objective WR4 requires projects to manage and treat stormwater to protect and preserve water quality. As set forth in the Water Resources Technical Bulletin, redevelopment projects must reduce impervious area coverage and improve site conditions to enhance stormwater retention, water quality treatment, and recharge over existing conditions, and include natural areas in stormwater system design. In Maritime Areas, projects are encouraged to utilize permeable material choices when designing roadways, parking, and walkways.

F29. The Project proposes stormwater management treatment trains consisting of deep-sump hooded catch basins, proprietary treatment devices, and subsurface stormwater recharge basins and infiltration structures, which will provide capacity to store, treat, and infiltrate all runoff on-site. The Project proposes to utilize a combination of porous pavers, permeable crushed shell, and structured grass parking for much of the parking area. These are low impact development ("LID") techniques that are already employed effectively throughout the Site's existing parking areas and are consistent with Objective WR4 guidance for Maritime Areas.

F30. The Project will result in a net decrease in impervious surfaces. By replacing much of the current impervious asphalt, brick, and concrete surfaces used for parking, driveways and walkways with pervious alternatives, the Project Site's overall impervious coverage will be reduced, consistent with Objective WR4.

F31. The Applicant determined the depth to groundwater measurements to ensure 2 feet of separation will be obtained to the estimated seasonally high groundwater. This necessary separation has been obtained for all the leaching recharge basins and flow diffusers.

F32. The Project will improve runoff treatment and recharge capacity over existing stormwater treatment. The Project proposes other stormwater control measures within Snow Inn Road to

manage and treat runoff from Davis Lane and Snow Inn Road watersheds, reducing the untreated stormwater that currently flows to resource sensitive areas including Wychmere Harbor Channel and coastal dunes.

***Wetlands Resources***

F33. The Wetlands Resources Goal of the RPP is to protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers. The Wetlands Resources objectives that are applicable, material, and regionally significant relative to the Project are to: protect wetlands and their buffers from vegetation and grade changes (WET1), protect wetlands from changes in hydrology (WET2), protect wetlands from stormwater discharges (WET3), and promote the restoration of degraded wetland resource areas (WET4). Permittable development activities within wetlands and buffer areas do not vary by Placetype.

F34. To be consistent with Objective WET1, alteration of wetlands and their buffers in areas may occur where development already exists, provided the applicant can demonstrate that: (1) there is a public benefit; (2) no feasible alternative to the alteration exists; and (3) the impacts are minimized and mitigated. Other methods to support a project's consistency with Objective WET1 include not changing the vegetation, grade, hydrology, sun exposure, or nutrient inputs to wetland or buffer areas and to accommodate the natural migration of coastal wetlands.

F35. The Project proposes redevelopment of areas within the 100-foot buffer to a coastal bank and coastal dune that are currently developed with buildings, driveways, parking areas, utilities, and walkways. The Project will reduce the development footprint within the wetland buffer, reduce the area of impervious surface within the wetland buffer, improve stormwater management, and revegetate wetland buffer areas with native grasses and shrubs. Proposed vegetation plantings and stormwater improvements will reduce impacts to and support the function of the buffer to the coastal dune and bank areas through the addition of native plants and minor grade adjustments to promote improved management and treatment of stormwater runoff, consistent with WET1.

F36. The Project stormwater treatment system includes components that will be incorporated into the road layout for Snow Inn Road designed to manage runoff, provide water quality treatment, and promote groundwater recharge for runoff from neighboring parcels and roadways that currently flows untreated toward coastal resource areas. The proposed stormwater management system will provide water quality treatment and groundwater recharge of runoff before it reaches coastal resource areas, reducing impacts to and improving the function of the coastal resource areas consistent with WET1.

F37. The proposed reduction of impervious surfaces, incorporation of native landscaping, and improvements in stormwater management are expected to enhance the function of the wetland resources, providing a public benefit. The Applicant submitted an analysis of alternatives that adequately demonstrate that there is no feasible alternative that would further minimize wetland impacts while meeting the Project's programming needs, consistent with WET1.

F38. Objective WET2 seeks to protect wetlands from changes in hydrology. The applicable method for achieving consistency with WET2 is to prevent stormwater runoff from development activities from altering wetland hydrology.

F39. Consistent with Objective WET2, and further detailed under Objective WR4, the Applicant proposes a stormwater management system designed in accordance with the Massachusetts Stormwater Handbook, which will be an improvement over existing conditions and will not change wetland hydrology. Thus, the Project is consistent with WET2.

F40. Objective WET3 seeks to protect wetlands from stormwater discharges. The applicable method for achieving consistency with WET3 is to direct stormwater discharges away from wetland resource areas and their 100-foot buffers.

F41. Consistent with WET3, the stormwater design proposed for the site utilizes LID techniques to reduce runoff volume and some green infrastructure stormwater measures such as structured lawn and permeable pavers for fire lanes, driveways, and parking surfaces to reduce impervious areas and promote natural stormwater filtration and groundwater recharge. The Approved Project Plans include a construction period soil erosion and sediment control and long-term stormwater operations and maintenance plans. A Stormwater Pollution Prevention Plan will be developed for the Project as a condition of approval. With the proposed stormwater management systems and adherence to their stormwater-related plans, runoff will not be discharged into wetlands.

F42. Objective WET4 promotes the restoration of degraded wetland resource areas. Applicable methods to meet WET4 include restoring wetlands to improve natural functions, restoring native vegetation and removing structures from flood hazard areas.

F43. Consistent with WET4, The Applicant proposes to reduce the developed coverage area and plant native species within the 50-foot buffer to the coastal dune and coastal bank. A landscaping plan and planting list are part of the Approved Project Plans; the plans contain predominantly native species with ornamental shrubs concentrated around the proposed building and away from sensitive wetland resource areas, consistent with the WET4 and appropriate for the Project Site conditions.

***Wildlife & Plant Habitat***

F44. The Wildlife and Plant Habitat Goal of the RPP is to protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity. The Wildlife and Plant Habitat objectives that are applicable, material, and regionally significant relative to the Project are to: maintain existing plant and wildlife populations and species diversity (WPH1) and promote best management practices to protect wildlife and plant habitat from the adverse impacts of development (WPH5).

F45. Objective WPH1 seeks to maintain existing plant and wildlife species populations and habitat diversity. To achieve consistency with WPH1, DRIs must minimize clearing of vegetation and alteration of natural topography to the maximum extent feasible. DRIs are also encouraged to plant native vegetation and avoid development in Key Sites as defined in the State Wildlife Action Plan, and BioMap2 Core Habitat and Critical Natural Landscapes as defined by the Massachusetts Natural Heritage and Endangered Species Program. In Maritime Areas, DRIs should minimize new clearing and preserve habitat connections.

F46. The Project Site is already developed with existing buildings, driveways, parking areas and walkways. The Project avoids clearing of undeveloped natural vegetation, will result in minimal clearing of existing landscaped vegetation and will minimize alteration of natural topography, consistent with applicable WPH1 methods and Maritime Areas strategies. The Project landscaping plan and planting schedules include predominantly native trees, shrubs, and grasses that are appropriate for the Site conditions and should enhance wildlife habitat, and the Project avoids new development in Key Sites identified in the Technical Bulletin guidance, consistent with WPH1.

F47. Objective WPH5 promotes best management practices to protect wildlife and plant habitat from the adverse impacts of development. Applicable methods identified in the Wildlife & Plant Habitat Technical Bulletin include using erosion control barriers during construction in areas proximate to wetlands or other sensitive resource areas and using fencing to protect plants and wildlife from harm during construction.

F48. Consistent with WPH5, the Project will incorporate best management practices during all construction activities to limit disturbance and protect plants and wildlife, including limiting the extent of site alteration and using erosion control barriers and fencing during the construction period.

***Open Space***

F49. The Open Space Goal of the RPP is to conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems. The Open Space objectives that are applicable, material, and regionally significant relative to the Project are: to protect and preserve natural, cultural, and recreational resources (OS1) and maintain or increase the connectivity of open space (OS2).

F50. Objective OS1 is to protect and preserve natural, cultural, and recreational resources. Applicable methods to achieve consistency with OS1 include minimizing the development footprint, preserving scenic vistas, preserving open space that benefits natural and community systems, and providing and enhancing recreational opportunities and access to open space. Within Maritime Areas, provision of public access to community greenspaces or off-site open space suitable for recreation is encouraged.

F51. Consistent with OS1, the Project will reduce the amount of parking spaces and locate some parking under the building, minimizing the development footprint. The proposed work will not interfere with existing public access to Merkel Beach and the Applicant will maintain walkway access to the rooftop lookout above the Harbor Building.

F52. Objective OS2 is to maintain or increase the connectivity of open space. The applicable method to achieve consistency with OS2 is to establish, enhance, and connect greenways and recreational trails by preserving any greenway connections already existing on the property to the greatest extent possible.

F53. Consistent with OS2, the Project will maintain existing public access points to the Wychmere Harbor rooftop lookout as well as Merkel Beach.

***Community Design***

F54. The Community Design Goal of the RPP is to protect and enhance the unique character of the region's built and natural environment based on the local context. The Community Design objectives that are applicable, material, and regionally significant relative to the Project are to: promote context-sensitive building and site design (CD1) and minimize the amount of newly disturbed land and impervious surfaces (CD2).

F55. Applicable methods for achieving consistency with Objective CD1 include: following the regional and local scale of development; using regionally appropriate forms and materials; locating parking where it does not adversely impact visual character; providing appropriate landscaping and pedestrian amenities; and ensuring that lighting is compliant with dark sky standards.

F56. To follow the regional and local scale of development in Maritime Areas, projects should mirror existing character and avoid long building facades. Projects should also break down large building masses and provide variation in the facades, roof form, and wall height.

F57. The Project follows the regional and local scale of development by providing adequate variation in façade, roof form, and wall height. While the proposed Project building footprint exceeds the recommended 15,000 square foot maximum building footprint, the setback of the southern part of the building over 50 feet on the west facade allows the north and south sections of the building to

read as attached but distinct building masses that each individually have footprints of less than 15,000 sf, consistent with the requirement to break down large building masses.

F58. The proposed hotel building uses regionally appropriate forms and materials. The Applicant proposes to reprise the most distinctive elements of the existing building and to use materials that match the existing buildings on the Site. The most distinctive elements of the original building's architecture were a 3-story tower with projecting sleeping porches in the northwest corner of the building, and a 3-story gable-roofed structure with wrap-around porch in the southwest corner. These elements were connected by less distinctive 3-story ells. The Applicant proposes to incorporate a clipped gable roof form and wrap around porch on the northwest corner of the building and reinstate the distinctive 3-story tower and gambrel roof form on the north facade of the existing building in the new design. The Applicant proposes cedar wood shingle for the siding, cedar wood shake for the roof, stone veneer below the main floor level to match existing buildings on site, as well as red brick masonry for the chimneys, all of which are appropriate materials consistent with regional traditions.

F59. The Project proposes dark sky compliant lighting, regionally appropriate landscaping and new pedestrian amenities throughout the site, consistent with CD1.

F60. The Project meets the method of locating parking where it does not adversely impact visual character by locating some parking beneath the terrace area. In addition, visible parking areas incorporate grass sections and permeable pavers as well as safe pedestrian pathways, consistent with CD1.

F61. Methods for meeting Objective CD2 include reuse of existing developed sites, minimizing the total number of parking spaces, developing multistory buildings, and providing parking under or within buildings.

F62. Consistent with CD2, the proposed Project sites the building partly on the existing building foundation and implements a multi-story design of the building to reduce the building footprint. The Project will also locate parking underneath the proposed structure and use permeable materials to reduce the amount of newly disturbed land and incorporate landscaping with native vegetation.

***Coastal Resiliency***

F63. The Coastal Resiliency Goal of the RPP is to prevent or minimize human suffering and loss of life and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise. The Coastal Resiliency objectives that are applicable, material, and regionally significant relative to the Project are to: minimize development in the floodplain (CR1), plan for sea level rise, erosion, and floods (CR2), and reduce vulnerability of built environment to coastal hazards (CR3).

F64. The Applicant prepared a Coastal Resiliency Report that analyzed and summarized the Project Site's existing and proposed conditions and vulnerabilities relative to tides, shoreline change, storms, flood zones, and projected sea level rise. The report assessed the Project in relation to Federal Emergency Management Agency (FEMA) flood maps that represent historical data, as well as to the Massachusetts Coast Flood Risk Model ("MCFRM") which models future potential flooding.

F65. Objective CR1 is to minimize development within the floodplain. As described in the Coastal Resiliency Technical Bulletin, Objective CR1 requires Projects proposing new[1] non-water-dependent

[1] Redevelopment in an A zone may be permitted provided there is no increase in gross floor area, impervious footprint, or intensity of use compared to the prior use or structure. However, because the Project increases both the size and intensity of

development in the FEMA-designated A zone to demonstrate: there is no feasible alternative; impacts have been minimized; and there is an overriding public purpose.

F66. There is new development proposed in the A zone. The Wychmere property spans multiple FEMA-designated flood zones, with the majority of the proposed Project Site located within the FEMA A zone. A portion of the existing 30,810-square-foot Snow Inn Hotel building currently lies within this A zone. The proposed new hotel building, which will total 75,355 square feet, will also be partially located within the A zone, including all areas of the expanded footprint.

F67. The Applicant evaluated several reasonable alternatives, including one that would have entirely removed the hotel from the floodplain. However, this alternative was dismissed in part because it would have required relocating the site's wastewater treatment facility (WWTF) into the floodplain. Such a relocation would not be consistent with the Coastal Resiliency Goal and Objectives.

F68. The proposed Project minimizes the building footprint within the floodplain to the greatest extent practicable while still meeting the Project's programming needs.

F69. To minimize and mitigate development in the A zone, the Project proposes to locate the hotel building as far landward as practicable and to elevate the structure. The proposed building incorporates a ground floor Design Flood Elevation (DFE) that includes three feet of freeboard above FEMA's current Base Flood Elevation (BFE) of 12 feet (i.e., DFE = BFE + 3). This exceeds the requirements of the new tenth edition of the Massachusetts Building Code.

F70. The Project will eliminate habitable space at ground level within the floodplain—a reduction of 353 square feet compared to the existing Snow Inn building. The proposed hotel will be constructed using flood-resistant design standards and materials, and deployable dry floodproofing will be implemented at the ground floor. Ground floor uses will be limited to dry-floodproofed accessory uses, building access, and parking. All habitable space will be elevated above the DFE to 20.5 feet NAVD88, which also exceeds the Massachusetts Coast Flood Risk Model (MC-FRM) projected flood elevations for 2070. Mechanical equipment will be located within the footprint of the existing building, on the first floor, and above the DFE.

F71. The Applicant proposes several measures that will enhance the site's overall resilience and minimize impacts including: exploring opportunities to enhance onsite dunes through native beach grass plantings; developing an Operational and Preparedness Plan to guide long-term site management; and assessing the vulnerability to flooding of other infrastructure on the property to inform future adaptation strategies.

F72. In addition, the Applicant proposes mitigation by supporting the Town of Harwich in advancing coastal resiliency projects at the Wychmere Harbor Town Pier. The Applicant will assist the Town in conducting a vulnerability assessment of the pier and surrounding infrastructure to identify key risks, prioritize adaptation strategies, and inform future design improvements to strengthen the pier's resilience under changing coastal conditions.

F73. Improvements to stormwater management, including treatment of offsite runoff and a reduction in nitrogen inputs to Wychmere Harbor, promote the Act's stated purposes of protecting groundwater, surface water and ocean water quality, serving an overriding public purpose. Improved stormwater management, both throughout the Project Site and offsite, will reduce or eliminate direct discharges of untreated runoff from Davis Lane and Snow Inn Road into Wychmere Harbor and Merkel Beach. The Project also proposes to remove existing wastewater treatment equipment currently located below grade and within the floodplain, and to construct a new,

development (an increase in floor area, the addition of hotel rooms, and the extension of programming into the shoulder seasons) it must meet the standard for new development in the A zone.

floodproofed system at an elevated location outside the floodplain. This relocation will reduce the risk of flood-induced failure during storm events, which could otherwise pose operational, public health, and environmental risks. The new WWTF will also incorporate an upgraded treatment process that will significantly reduce the mass of nitrogen discharged to the Wychmere Harbor Marine Water Recharge Area (MWRA) by 95 kilograms per year, which exceeds the requirements of the Regional Policy Plan.

F74. The Applicant has adequately demonstrated that there is no feasible alternative, that impacts have been minimized and mitigated, and that the Project serves an overriding public purpose.

F75. Objective CR2 is to plan for sea level rise, erosion, and floods. Applicable methods to meet CR2 include limiting new development on or within 100 feet of a coastal bank to water dependent uses, minimizing redevelopment on or within a coastal bank, and designing development projects to accommodate anticipated sea level rise.

F76. The proposed Project does not include any new development on or within 100 feet of a coastal bank.

F77. The Project is designed to accommodate sea level rise and minimizes new development within 100 feet of the coastal bank by reducing impervious surfaces and restoring pervious cover with a net decrease of 14,975 square feet of impervious surfaces and an increase of 17,350 square feet of new pervious area. Like the existing structure, the southwestern corner of the ground floor footprint of the proposed hotel structure will be located within the 100-foot buffer of a coastal bank, but the structure will be repositioned to reduce the existing footprint within this buffer.

F78. Consistent with CR2, the Project has been designed to accommodate sea level rise by providing flood protection and mitigation above the FEMA determined BFE for the site of 12 feet, with a DFE of three feet of freeboard above BFE, which is one foot higher than what is required in the new tenth edition of the Massachusetts Building Code. All habitable space will be relocated to the first floor at an elevation of 20.5 feet NAVD88, which is above future flood elevations projected by the MCFRM for the year 2070. The ground floor and parking areas below the DFE will be dry- and wet-floodproofed, respectively.

F79. Objective CR3 is to reduce the vulnerability of the built environment to coastal hazards. Applicable methods to meet CR3 include avoiding or minimizing siting new development in coastal resource areas, removing existing development in coastal resource areas, and restoring or rehabilitating beach, dune or floodplains.

F80. Previously developed areas within the buffer will be planted with native species and pervious surfaces will be incorporated into the lower parking area to the south of the hotel to allow proper drainage on site, consistent with Objective CR3.

F81. Wychmere actively participates in a dune renourishment program adjacent to the Property and the beach fronting the Project Site is generally accreting due to the sediment trapping effect of the adjacent Wychmere Harbor jetty.

F82. The Project will reduce the building footprint within the 50-foot buffer to coastal resource areas and there will be no new development within coastal resource areas or associated buffers, consistent with Objective CR3.

***Transportation***

F83. The Transportation Goal of the RPP is to provide and promote a safe, reliable, and multi-modal transportation system. The Transportation objectives that are applicable, material, and regionally significant relative to the Project are to: improve safety and eliminate hazards for all users of Cape

Cod's transportation system (TR1), provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users (TR2), and provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people (TR3).

F84. As described in the Transportation Technical Bulletin, DRIs must employ the following methods to achieve consistency with Objective TR1: prepare an appropriate Transportation Impact Assessment, apply good access management principles in site and driveway design, locate driveways to provide acceptable sight distance and avoid site distance obstructions, and provide safe pedestrian connections throughout the site. For projects anticipated to generate 50 or more peak hour trips, the applicant must analyze off-site safety impacts of the development and implement appropriate safety improvements.

F85. A Traffic Impact and Access Study ("TIAS"), dated October 2025, was prepared by the Applicant's consultant, VHB, in accordance with relevant guidance from the Transportation Technical Bulletin. The submittal provides an analysis of the operational and safety impacts of the Project and was prepared in a professional manner following standard industry practices, consistent with TR1.

F86. The TIAS includes a safety and capacity analysis for the weekday morning, weekday afternoon, and Saturday midday peak hours during a peak summer month (June 2025). The study area includes the following intersections: Route 28 at Snow Inn Road/Freeman Street; Route 28 at Bay View Road; Bay View Road at Davis Lane; Snow Inn Road at Davis Lane

F87. Trip generation estimates for the 40 new hotel rooms were developed using the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th edition), Land Use Code 310 (Hotel). The Project is expected to generate approximately 388 new weekend daily vehicle trips and 320 weekday daily vehicle trips, with 21 additional trips during the weekday morning peak hour, 24 during the weekday evening peak hour, and 29 during the Saturday midday peak hour.

F88. The TIAS identified the intersection of Route 28 at Snow Inn Road/Freeman Street as a high-crash location, averaging 3.4 crashes per year, and designated as a Massachusetts Department of Transportation ("MassDOT") High Crash Cluster. To the extent that limited sight distance from the northbound approach has been a contributing factor to 2016-2021 crash patterns, a sight distance analysis conducted in December 2025 showed that, following the nearly complete Route 28 sidewalk project, the northbound approach provides adequate sight distance for safe operation at the intersection.

F89. Consistent with TR1, the Applicant will implement appropriate safety improvement measures to address any off-site safety impacts of the development. Subject to MassDOT approval, the Applicant will: install intersection-ahead warning signage with street name plaques on the eastbound and westbound approaches of Route 28 to Snow Inn Road; and install flashing speed warning signs on the eastbound and westbound approaches of Route 28 to Snow Inn Road.

F90. The Project provides appropriate pedestrian connections within the Site and has applied good access management principles with no proposed changes to the existing access points from Snow Inn Road, consistent with TR1.

F91. Objective TR2 requires all DRIs for employment sites with more than 25 employees to develop and implement a site-specific Transportation Demand Management ("TDM") plan. For consistency with Objective TR2, DRIs are encouraged to provide sidewalks, multi-use paths and bicycle/pedestrian connections across the site with connections out to the existing bicycling and pedestrian network, where feasible and appropriate. In Maritime Areas, projects should reinforce the desirable character elements of the area while addressing gaps in the pedestrian network.

F92. The Project includes an appropriate TDM plan including an on-site TDM coordinator, a guaranteed ride home program for employees, preferential rideshare parking, secure bicycle racks, and a shuttle to and from the employee parking lot, consistent with TR2 and TR3.

F93. As described in the Transportation Technical Bulletin, methods for achieving consistency with Objective TR3 include providing for full mitigation of congestion impacts on the transportation system through a combination of trip reduction measures, physical congestion mitigation, and congestion mitigation payments, as appropriate.

F94. A capacity analysis was conducted as part of the TIAS for the study area intersection. The TIAS capacity analysis generally indicates there will be slight increases to vehicle delays and queuing are expected on the minor approaches of the Route 28 and Snow Inn Road intersection, and no changes in traffic operations are expected at the remaining study area intersections.

F95. Consistent with TR3, the Project proposes full mitigation of any potential congestion impacts. Any additional vehicle delays will be offset by implementation of the TDM plan; motor coach and tractor trailer delivery restrictions; limitations on on-site employee parking; and anticipated internal capture of vehicle trips based on the mix of uses on the Site.

F96. Traffic impacts on the adjacent roadway network will be further mitigated through the implementation of the Parking Management Plan ("PMP"), included in the Approved Project Plans. Parking for 206 vehicles (a decrease of 29 vehicles from existing conditions) will be provided with a valet parking capacity on site for 290 vehicles. No on-site parking will be provided for employees during peak capacity days. There is parking capacity for another 70 vehicles off site.

F97. The Applicant will prohibit 54-passenger and larger motor coaches from entering the Wychmere Beach Club property; and relocate tractor-trailer deliveries to an off-site warehouse.

F98. The availability of transit service will increase the effectiveness of the TDM plan to effectively reduce vehicle trips to the site. Regularly scheduled public transportation services are provided within the vicinity of the Project Site along Route 28 by the Cape Cod Regional Transit Authority ("CCRTA") via the H2O Hyannis-Orleans and the FLEX routes. The nearest bus stop is located approximately 0.9 miles northwest of the Project Site and within walking distance.

***Energy***

F99. The Energy Goal of the RPP is to provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod. The Energy objectives that are applicable, material, and regionally significant relative to the Project are to: support renewable energy development that is context-sensitive (EN1), increase resiliency of energy generation and delivery (EN2), and minimize energy consumption through planning and design (EN3).

F100. To support renewable energy generation that is context-sensitive, the Applicant proposed to enter into a green power purchase agreement with an electric utility or third-party energy provider to obtain renewable power, consistent with EN1. The record supports the Applicant's statement that there is not available roof capacity to support solar PV.

F101. To increase resiliency of energy generation and delivery, the Project includes an on-site natural gas/propane powered emergency generator as a backup power supply, the Project will locate all utilities underground, and the Project design elevates all critical equipment out of the floodplain to reduce flood risk, consistent with EN2.

F102. Consistent with EN3, to minimize energy consumption through planning and design, the Project will be designed to target Leadership in Energy and Environmental Design ("LEED") Silver certification criteria. Additionally, the Project will include energy efficient lighting and EV charging stations. The Applicant proposes to install two (2) EV charging stations in the upper parking area and two (2) in

the at-grade parking area below the building. Both installations will be designed to add future charging stations should they be warranted in the future.

***Climate Mitigation***

F103. The Climate Mitigation Goal of the RPP is to support, advance, and contribute as a region to the Commonwealth's interim and long-term greenhouse gas reduction goals and initiatives, including a state-wide net zero carbon target by 2050. The Climate Mitigation objectives that are applicable, material, and regionally significant relative to the Project are to: promote low or no carbon transportation alternatives and technologies (CM1), promote low or no carbon technologies for building energy use, including appliances, lighting, and heating, ventilation, and cooling ("HVAC") systems (CM2), and promote low or no carbon energy generation technologies as appropriate to context (CM4).

F104. Methods to demonstrate consistency with CM1 include providing pedestrian and bicycle infrastructure on site, connections to sidewalks and multi-use paths, and EV charging stations. The Project proposes incorporation of EV charging spaces, pedestrian infrastructure, and other improvements cited in the discussion of TR2 and EN3 above. Thus, staff suggest the Project is consistent with Objective CM1.

F105. Methods to demonstrate consistency with CM2 include incorporating energy efficiency measures such as optimized building design and peak electricity demand reduction strategies. Consistent with CM2, the Applicant is proposing to include energy star appliances and equipment and an all-electric HVAC system with smart controls to minimize energy usage.

F106. Consistent with CM4, the Project will enter into a green power purchase agreement and proposes EV charging stations.

***Cultural Heritage***

F107. The Cultural Heritage Goal of the RPP is to protect and preserve the significant cultural, historic, and archeological values and resources of Cape Cod. The Cultural Heritage objective that is applicable, material, and regionally significant relative to the Project is to preserve and enhance public access and rights to and along the shore (CH3).

F108. As described in the Cultural Heritage Technical Bulletin, the applicable method for achieving consistency with CH3 is to maintain and broaden existing physical and/or visual access to the coast wherever possible. Public access to the coast may be provided through viewing areas and/or pedestrian pathways.

F109. The Project's location provides both visual and physical access to Wychmere Harbor and Nantucket Sound. Consistent with CH3, the Project proposes relocation and replacement of a portion of the existing the existing dirt footpath with a new four (4) foot-wide footpath to the beach as well as a pole light near the entrance for safety and visibility, which will enhance public access to the shore at the South end of Snow Inn Road. The Applicant will establish signage directing the public to the footpath entrance as well as a paver crosswalk leading from the internal pedestrian circulation network to the entrance to further increase accessibility.

***Economy***

F110. The Economy Goal of the RPP is to promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce. The Economy objectives that are applicable, material, and regionally significant relative to the Project are to: protect and build on the Cape's competitive advantages (EC1), use resources and infrastructure

efficiently (EC2), and encourage industries that provide living wage jobs to a diverse workforce (EC4).

F111. Applicable methods to achieve consistency with Objective EC1 include preserving or complementing the continued operation of working waterfronts, reinforcing historic development patterns through community design, and preserving or expanding public access to the coast and natural areas for passive recreation.

F112. The Project will continue historic usage of the property as a waterfront resort, incorporating gable and mansard roof forms and architectural towers that resemble traditional elements from the original hotel building and using wood shingle siding consistent with traditional buildings in the area, and will maintain public access to a Wychmere Harbor overlook and Merkel Beach from Snow Inn Road, consistent with EC1.

F113. Applicable methods to achieve consistency with Objective EC2 include infill and/or redevelopment, undergrounding new utilities, and sharing onsite infrastructure with proximate developments.

F114. The Project proposes redevelopment of an already developed site and will place new utilities underground to reduce storm outages consistent with EC2.

F115. To demonstrate consistency with this EC4, projects may provide high-quality employment opportunities, particularly year-round jobs and jobs that provide above-average wages, career training, job benefits, and affordable housing for employees.

F116. Consistent with EC4, the Project is expected to support 25-30 new year-round employees and 70 new seasonal employees, The Applicant provides sick, vacation, medical and disability benefits to employees and owns or rents off-site properties to provide housing for seasonal employees.

**Probable Project Benefit/Detriment**

F117. Probable Project benefits include:

- Elimination or reduction of direct discharges of untreated runoff from Davis Lane and Snow Inn Road into Wychmere Harbor and Merkel Beach;
- Wastewater treatment facility will be moved out of the floodplain;
- Reduction of nitrogen inputs to Wychmere Harbor;
- Reduction of heavy vehicle traffic on Snow Inn Road;
- Additional full-time jobs to the Cape economy;
- Seasonal housing for seasonal workers;
- Support for the regional tourism economy

F118. Probable Project detriments include:

- Greater visibility of the proposed development in a residential area;
- Additional vehicle trips on regional roadways

F120. The probable Project benefits are greater than the probable Project detriments.

## CONDITIONS

C1. This Decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant).

C2. When final and after a copy of this Decision has been recorded with the Barnstable County Registry of Deeds, this Decision shall be valid and in effect, and local development permits may be issued pursuant hereto, for a period of seven years from the date of this Decision.

C3. This Decision shall be appurtenant to and run with the Property. The Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

C4. The Applicant shall obtain all required federal, state, and local permits, licenses, and approvals for the Project. Consistency with Municipal Development Bylaws shall be ratified and confirmed by the Applicant obtaining all required local permits, licenses, and approvals. Prior to commencement of the Project, the Applicant shall provide the Commission with copies of all required permits, licenses, and approvals, and plans approved therein, for the Project.

C5. The Project shall be constructed, operated, and maintained in accordance with the documents listed in Exhibit A ("Approved Project Plans"). Plans, protocols, and other documents required as Conditions of this Decision shall be treated as incorporated into the Approved Project Plans once received, reviewed, and determined consistent with this Decision by Commission staff, and the Project shall be similarly constructed, operated, and maintained. The Applicant hereby authorizes Commission staff to make site visits as necessary, at reasonable times and upon reasonable notice to the Applicant, to confirm that the Project is implemented in accordance with this Decision.

C6. The Applicant shall provide a copy of this Decision and the Approved Project Plans to the Project's general contractor prior to commencement of the Project. The Applicant shall maintain a copy of this Decision and the Approved Project Plans on the Project Site throughout Project construction.

C7. Prior to and as a condition to issuance of a building permit/s for the Project from the Town of Harwich Building Department, the Applicant shall request and obtain from the Commission a Preliminary Certificate of Compliance; the issuance of such Preliminary Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local building permit/s.

C8. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a final plan for Commission staff review and approval which specifies the proposed erosion and sediment control measures to be implemented to manage runoff during the construction period.

C9. Prior to and as a condition to issuance of a Certificate/s of Use and Occupancy for the Project from the Town of Harwich Building Department, the Applicant shall request and obtain from the Commission a Final Certificate of Compliance; the issuance of such Final Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local Certificate/s of Use and Occupancy, and shall confirm that the Project was constructed or implemented in accordance with this Decision.

C10. Prior to and as a condition to issuance of a Final Certificate of Compliance from the Commission, the Applicant must submit documentation establishing that the Project meets or exceeds the criteria for LEED Silver certification.

C11. Prior to and as a condition to issuance of a Final Certificate of Compliance from the Commission, the Applicant shall provide a copy of the renewable energy power purchase agreement executed by and between the Applicant and a renewable energy provider evidencing purchase of 50% of the Project's estimated electric demand.

C12. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall perform the transportation mitigation measures as set out in Findings F89; F96; F97.

C13. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall submit, for Commission staff review and approval, a TDM plan and handbook of materials to be

shared with employees with an overview of the TDM program including a guaranteed ride home program for employees, preferential rideshare parking, a shuttle to and from the employee parking lot, shuttle service for guests to nearby destinations. The TDM plan will be incorporated into the Approved Project Plans.

C14. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance from the Commission, the Applicant shall submit, for Commission staff review and approval, documentation of a proposal to conduct, or to assist the Town in conducting, a vulnerability assessment of the Wychmere Town Pier and surrounding infrastructure.

C15. Prior to and as a condition to issuance of a Final Certificate of Compliance from the Commission, the Applicant shall submit documentation of the vulnerability assessment, which shall identify key risks and provide sufficient information to allow the Town to prioritize adaptation strategies and inform future design improvements under changing coastal conditions.

C16. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant must submit a report documenting opportunities to enhance onsite dunes through native beach grass plantings for Commission staff review.

C17. Prior to and as a condition to issuance of a Final Certificate of Compliance, the Applicant must submit plans to enhance onsite dunes through native beach grass plantings for Commission staff review and approval; such plans shall be incorporated into the Approved Project Plans.

C18. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant must develop a draft Operational and Preparedness Plan to guide long-term site management for Commission staff review and approval. The Operational and Preparedness Plan must assess the vulnerability to flooding of other infrastructure on the property to inform future adaptation strategies.

C19. Prior to and as a condition to issuance of a Final Certificate of Compliance, the Applicant must submit a final Operational and Preparedness Plan; such plans shall be incorporated into the Approved Project Plans.

C20. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant must submit a Stormwater Pollution Prevention Plan, for Commission staff review and approval; such plan shall be incorporated into the Approved Project Plans.

C21. Prior to and as a condition to issuance of a Final Certificate of Compliance, the Applicant will establish signage directing the public to the footpath entrance as well as a paver crosswalk leading from the internal pedestrian circulation network to the entrance to further increase accessibility.

C22. The Applicant shall maintain the existing public access points to the Wychmere Harbor rooftop lookout as well as Merkel Beach.

## CONCLUSION

Based on the Findings above, the Commission further determines, finds, and concludes that: the Project is consistent with applicable Municipal Development Bylaws and the Commission-certified Harwich Local Comprehensive Plan (LCP); the Project is consistent with the Cape Cod Commission Act and 2018 Cape Cod Regional Policy Plan; the probable benefit of the Project is greater than its probable detriment; and the Commission hereby grants DRI approval for the Project described herein.

***SIGNATURE PAGE FOLLOWS***

DRAFT

**SIGNATURE PAGE**

Executed this _____ day of _____ 2026

For the Cape Cod Commission by:

_____
Signature

_____
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss _____, 2026

Before me, the undersigned notary public, personally appeared _____, whose name is signed on the preceding or attached document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose in his/her capacity as _____ of the Cape Cod Commission. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [ ] personal knowledge of the undersigned.

_____
Notary Public
My Commission Expires: _____

SEAL

DRAFT

## EXHIBIT A - APPROVED PROJECT PLANS

Civil Plan Set entitled "Wychmere Hotel", prepared by Tighe and Bond for Wychmere Harbor Real Estate, LLC, consisting of the following 13 sheets, revised 10/17/2025:

- G101 Title Sheet
- G102 Legend, Abbreviations, and General Notes
- C1.2.1 Plan Showing Existing Site Conditions
- C1.2.2 Plan Showing Existing Site Conditions
- C1.2.3 Plan Showing Existing Site Conditions
- C1.2.4 Plan Showing Existing Site Conditions
- C101 Demolition, Erosion, & Sedimentation Control Plan
- C102 Layout & Materials Plans
- C103 Grading & Drainage Plan
- C104 Utilities Plan
- C501 Site Details
- C502 Site Details
- C503 Drainage Details

Floor Plans, submitted 01/13/2026, prepared for Wychmere Beach Club by JCJ Architecture, consisting of the following 4 sheets:

- Level 00 Floor Plan
- Level 01 Floor Plan
- Level 02 Floor Plan
- Level 03 Floor Plan

Elevation Plans, B23095.00 - Cape Cod Submission Re-File, submitted 01/13/2026, prepared for Wychmere Beach Club by JCJ Architecture, consisting of the following 4 sheets:

- A.06 North Elevation
- A.05 West Elevation
- A.08 South Elevation
- A.07 East Elevation

Landscape Plan, entitled "Wychmere Harbor Real Estate, LLC., 23 Snow Inn Road, Harwich, Massachusetts, Landscape Permit Submission Set", prepared by Hawk Design, Inc., dated 12/10/2025, consisting of the following 7 sheets:

- L1.0 Landscape Master Plan
- L2.0 Site Planting Plan
- L2.1 Elevated Green Space Planting Plan
- L3.0 Site Lighting Plan
- L3.1 Site Lighting Specifications
- D1 Planting Specifications
- D2 Planting Details

Parking Management Plan, dated 10/10/2025 (two pages) and three Exhibits: Exhibit A - Parking Forecast Table; Exhibit B - Parking Demand Analysis; and Exhibit C - Valet Parking Sketch Plan

Stormwater Management Report, prepared for Wychmere Harbor Real Estate, LLC by Tighe and Bond, dated October 2025: Appendix E - Construction Period Soil Erosion and Sediment Control; and Appendix F - Long-Term Pollution Prevention and Stormwater Operation and Maintenance Plan

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