**TOWN OF HARWICH**

**ZONING BOARD of APPEALS**

**WEDNESDAY, JUNE 29, 2022**

**TOWN HALL – GRIFFIN ROOM
MINUTES**

**Board Members Present**: Brian Sullivan, Chris Murphy, Tim Bailey, Joseph Beasley Jaimie Armstrong and Dave Nunnally

**Board Members Absent:** David Ryer, Al Donoghue

**II. PUBLIC HEARINGS**

Case No. **2022-24 Robert F. & Patricia Stadolnik,** Trustees of Robert R. Stadolnik Revocable Trust, c/o William D. Crowell, Esq., 466 Route 28, Harwich Port, MA 02646, owner of the property located at **298 Lower County Rd**, Assessors’ Map 12, Parcel W2-5, in the RH-1 Zoning District. The Applicant seeks a Special Permit, or in the alternative a Variance, to add a finished second floor on the same footprint of a pre-existing, nonconforming single family dwelling, pursuant to the Harwich Zoning By-laws §325-52 and -54 and MGL Chapter 40A Sections 6 & 10.

Attorney William Crowell introduced himself and discussed relevant portions of the case, noting the applicant is not changing the footprint of home, only adding a second floor within the setback. Attorney Crowell argued that the project will be an intensification of an existing non-conformity, will not increase noise, odor, fumes, traffic or congestion and will therefore, not be a substantial detriment to the entire neighborhood. He asked that the Board grant the requested Special Permit.

Brian Sullivan asked about the time frame for construction and if the applicant can have construction vehicles park on the property.

Robert Stadolnik responded all construction could fit on the property and construction time frame is from October to April.

No public comment.

Mr. Murphy moved to close the public hearing. Seconded by Mr. Beasley. Vote unanimously in favor Motion carries; public hearing closed.

No further discussion from the Board

Mr. Sullivan then moved that the Board grant a Special Permit to add a finished second floor on the same footprint of a pre-existing, nonconforming single family dwelling pursuant to the Code of the Town of Harwich, §325-54 as set forth in MGL Chapter 40A §6 for the property located at **298 Lower County Rd**, Assessors’ Map 12, Parcel W2-5, in the RH-1 Zoning District.

Said grant and approval are subject to the following:

1. That for the life of the approved project, all construction vehicles will be parked on the Applicant’s property and not on any public street or road;
2. A violation of the terms and conditions of this Special Permit may be enforced as a violation of the Harwich Zoning Bylaw pursuant to G.L. c 40A, Sec. 7 and the Harwich Zoning Bylaw, as these may be amended from time to time.

Seconded by Mr. Murphy. Vote: 5-0-0. Motion carries; Special Permit granted.

**III. APPROVAL OF MINUTES**

Mr. Sullivan moved to approve the Minutes as amended for the May 25, 2022 meeting with minor adjustments. Dually seconded. The Board voted unanimously in favor. Motion carries; minutes approved.

Mr. Sullivan moved to approve the Minutes as amended for the June 14, 2022 meeting with minor adjustments. Dually seconded. The Board voted unanimously in favor. Motion carries; minutes approved.

**IV. NEW BUSINESS**

The Board discussed obtaining updated copies of the Zoning Code and announced this is Mr. Armstrong’s last meeting.

**V. ADJOURN**

Mr. Sullivan moved to adjourned at 7:35pm. Dually seconded. Vote unanimously in favor, Motion carries; meeting adjourned.

Authorized Posting Officer: Lecia McKenna

Board of Appeals Recording Clerk