**ZONING BOARD of APPEALS PUBLIC HEARING**

**Wednesday, November 29, 2017 at 7:00 p.m.**

**Griffin Meeting Room, Harwich Town Hall**

**AGENDA**

On Wednesday, November 29, 2017 at 7:00 PM, the Harwich Zoning Board of Appeals will hold a Public Hearing in the Griffin Meeting Room at the Harwich Town Hall, 732 Main Street to hear the following cases. Any member of the public having interest in these applications is invited to attend and provide information and comment relevant to these matters or may submit the same in writing by Wednesday, November 22, 2017.

**Case #2017-18 *(CONTINUED to 11/29/17)*** Jeffrey Rego and Joseph H. Rego III through their agent, Attorney Charles M. Sabatt seek a decision of the Board overturning the Building Commissioner’s denial of a request for enforcement under MGL Chapter 40A §7. Applicants contend that the operation of “sand pit” is prohibited under §325 Table 1–Use Regulations and/or requires a permit under §325-102 and that travel to access the subject pit over a private way, a portion of which crosses the Applicants’ property, is an unlawful extension of an unpermitted industrial and commercial use into a residential zoning district in violation of Massachusetts Case Law. The property is located off of Jay Z Drive, Assessor’s Map MISC, Parcel 4054001 in the RR Zoning District.

**Case #2017-19 *(CONTINUED TO 11/29/2017)*** Clifford A. Daluze, John Z. Daluze, Jr. and Margaret Weigand through their agent, Attorney Frank J. Shealey are appealing a Cease and Desist Order issued by the Building Commissioner on 5/23/17 to halt “any and all commercial activity” at a “sandpit” located off Jay Z Drive until Applicants obtain “appropriate zoning relief” and an Operations Permit from the Harwich Planning Board. Applicants claim they have a “pre-existing, non-conforming status” under MGL Chapter 40A §6 and §325-26 of the Harwich Zoning By-Laws. The property is located off of Jay Z Drive, Assessor’s Map MISC, Parcel 4054001 in the RR Zoning District.

**Case # 2017-31 *(CONTINUED TO 11/29/2017)*** Damien and Cyndi Teixeira have applied for a Variance for a new dwelling built to a height of over 30’. The application is pursuant to the Code of the Town of Harwich §325 Table 3, Height and Bulk Regulations as set forth in MGL Chapter 40A §10. The property is located at 2 Fish & Game Drive, Map 77, Parcel C15 in the RR Zoning District.

**Case # 2017-32 *(CONTINUED TO 11/29/2017)*** Steven A. and Joanne E. Churchill through their agent, Attorney William Crowell have applied for a Special Permit or in the alternative, a Variance to demolish and replace a pre-existing non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 Table 2 Area Regulations as set forth in MGL Chapter 40A §6 and §10. The property is located at 17 Shore Drive, Map 78, Parcel B15 in the RR Zoning District.

**Case # 2017-34**  Pamela M. Williamson Tr., through her agent, Trevor Kurz has applied for a Special Permit to construct an addition onto a pre-existing non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 Table 2, Area Regulations and Table 3, Height & Bulk Regulations as set forth in MGL Chapter 40A §6. The property is located at 65 Ginger Plum Lane, Map 2, Parcel G1-7 in the RH1 Zoning District.

**Case # 2017-35**  John F. Kenney III and Bonnie Ann Kenney, through their agent, Attorney William Crowell have applied for a Special Permit or in the alternative, a Variance to change, alter and extend a pre-existing non-conforming single family dwelling by adding habitable second floor space. The application is pursuant to the Code of the Town of Harwich §325 Table 2, Area Regulations as set forth in MGL Chapter 40A §6. The property is located at 88 Bank Street, Map 14, Parcel W7-B in the RM Zoning District.

**Case # 2017-36** Charles E. Alexander and Marie J. Alexander,through their agent, Attorney William Crowell have applied for a Special Permit or in the alternative, a Variance to construct an addition onto a pre-existing non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 Table 2, Area Regulations and Table 3, Height & Bulk Regulations as set forth in MGL Chapter 40A §6. The property is located at 62 Clearwater Drive, Map 72, Parcel W86 in the RR Zoning District.

**Case # 2017-37** Virginia Chamberlain,through her agent, Attorney William Crowell has applied for a Variance to construct a full foundation under a pre-existing non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 Table 3, Height & Bulk Regulations as set forth in MGL Chapter 40A §10. The property is located at 87 Route 28, Map 10, Parcel W3 in the CH-1 Zoning District.

In other business, the Board will address the following agenda items:

\* Approval of minutes from the October 25, 2017 meeting.

New Business per the Board’s discretion.

Documents related to the above cases are on file with the Building Department and the Office of the Town Clerk located at 732 Main Street, Harwich and may be viewed during regular department business hours.

***In accordance with State Law, this legal notice will also be available electronically at*** [***www.masspublicnotices,org***](http://www.masspublicnotices,org)***. The Town is not responsible for any errors in the electronic posting of this notice.***

***Per the Attorney General’s Office:  The Board may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following “New Business.”  If you are deaf or hard of hearing or a person with a disability who requires an accommodation, contact the Selectmen’s Office at***

[***508-430-7513***](tel:508-430-7513)

*This Agenda may change at the discretion of the Board.*

*Recording & Taping Notification: As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the chair.*

Authorized Posting Officer: Shelagh Delaney, sdelaney@town.harwich.ma.us

Board of Appeals Recording Clerk

The Cape Cod Chronicle **Print dates: November 9 and November 16, 2017**