**ZONING BOARD of APPEALS PUBLIC HEARING**

**Wednesday, July 26, 2017 at 6:00 p.m.**

**Griffin Meeting Room, Harwich Town Hall**

**AGENDA**

On Wednesday, July 26, 2017 at 6:00 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 Thursday, July 20, 2017.

**Case #2017-04 (Continued)** Habitat for Humanity of Cape Cod, Inc. c/o Attorney Warren H. Brodie, has applied for a Comprehensive Permit pursuant to MGL Chapter 40B Sections 20-23 and 760CMR 56.00, to create an eight lot subdivision to provide for 6 new single family affordable homes, 2 “market rate” lots and a cul-de-sac. The property is located at 93 and 97 Route 28, Harwich, Map# 10, Parcels #W3-B and W5 located in the R-L Zoning District.

**Case #2017-17 (Continued)** David J. Rome and Lori R. Rome have applied for a Special Permit for additions to their pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 54.A.2 and §325 Table 2, Area Regulations and Table 3, Height & Bulk Regulations as set forth in MGL Chapter 40A §6.The property is located at 35 Pleasant Street in the RM-1 Zoning District.

**Case #2017-18 *(RESCHEDULED TO 10/25/2017)*** 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** 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 #2017-20** Thomas M. Kelly & Cathryn A. Kelly through their agent, Attorney William Crowell have applied for a Special Permit or in the alternative, a Variance to construct a sun room addition and deck onto their pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325-54.A.2 as set forth in MGL Chapter 40A §6 and §10. The property is located at 2 Trout Brook Road, Map 26, Parcel C1-13 in the RM Zoning District.

**Case #2017-21** Roger Keane, Executor of the Estate of Gwendolyn A. Keane, through his agent, Attorney William Crowell has applied for a Special Permit or in the alternative, a Variance to demolish and replace a single family dwelling. The application is pursuant to the Code of the Town of Harwich §325-54.A.2 as set forth in MGL Chapter 40A §6 and §10. The property is located at 6 Summer Lane, Map 13, Parcel Z14-3 in the RH-2 Zoning District.

**Case #2017-22** Heather Swartz and Jeffrey Swartz through their agent, Attorney William Crowell have applied for a Special Permit or in the alternative, a Variance to construct an addition including second floor habitable space to their pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 54.A.2 as set forth in MGL Chapter 40A §6 and §10.The property is located at 12 Satucket Road in the RH-1 Zoning District.

**Case #2017-23**  Stephen P. Ford and Patricia W. Ford through their agent, Attorney Michael Ford have applied for a Special Permit or in the alternative, a Variance to demolish and replace a non-conforming detached garage. The application is pursuant to the Code of the Town of Harwich §325-54.A.2 as set forth in MGL Chapter 40A §6 and §10. The property is located at 7 South Street, Map 14, Parcel N4 in the CV and RM Zoning Districts.

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

\* Approval of minutes from the June 28, 2017 meetings.

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: July 6 and July 13, 2017**