**ZONING BOARD of APPEALS PUBLIC HEARING**

**Wednesday, February 22, 2017 at 7:00 p.m.**

**Griffin Meeting Room, Harwich Town Hall**

**MINUTES**

On Wednesday, February 22, 2017 at 7:00 PM, the Harwich Zoning Board of Appeals held a Public Hearing in the Griffin Meeting Room at the Harwich Town Hall, 732 Main Street to hear the following case.

**7PM Call to Order**

Members present: Mr. Ryer, Mr. Burke, Mr. Hederstedt, Ms. Muller and Mr. Donoghue. Absent: Mr. Hilliard and Mr. Previd

**Case #2017-03**

Ann M. Shapiro, through her agent, Attorney William F. Riley, has applied for a Special Permit to construct a new garage and addition to a pre-existing, non-conforming single family residence. The application is pursuant to the Code of the Town of Harwich §325 Table 3, Height & Bulk Regulations, §325-54.A.(2) as set forth in MGL Chapter 40A §6. The property is located at 88 Belmont Road, Map 3, Parcel T1-A in the RH-1 Zoning District.

Mr. Ryer read into the record letters in opposition of the proposal from 2 abutters; Roseanne Howard of 92 Belmont Rd. and Mr. & Mrs. Robert Donahue of 96 Belmont Rd. He also read comments from the Conservation Agent stating that the Applicants may need review by the Conservation Commission.

Presenting for the Applicant was Attorney William Riley who restated the details of the application and referred to the denial letter from the Building Department which stated that the owners needed a Special Permit. He spoke about the neighborhood, saying that many homes on Belmont Road had been added to or enlarged although there remain a few smaller cottages. The Shapiros are planning on moving to their Harwich home year round and are looking to expand with a master bedroom as well as add a garage for housing their cars and for storage. He told the Board that there was significant vegetation which would limit any intrusion into the neighbors’ privacy. He asked that the Board grant the requested Special Permit.

Mr. Ryer disagreed with the analysis of the Building Department and said he believed that the Applicants need a Variance as they would be creating new non-conformities with the increase in the site coverage, the garage and the addition. Attorney Riley said that the shed that currently sits where the garage would be built is non-conforming and that the garage would just be intensifying a pre-existing nonconformity. Mr. Hederstedt stated that a shed is not a residential structure under the Town Bylaws. Mr. Burke agreed and added that a garage does not qualify as a 1 or 2 family residential structure and that he believed that the Applicants would need 3 Variances; one for the garage, one for the addition and one for the increase in site coverage.

Attorney Riley requested a withdrawal without prejudice.

Ms. Muller moved and Mr. Donoghue seconded the motion to grant the Withdrawal without Prejudice. The Board voted unanimously in favor. 5-0-0

The Board then discussed additions and changes to the ZBA application as well as standards for the issuance of a Variance.

Mr. Hederstedt moved and Mr. Donoghue seconded the motion to accept the revised minutes from the January 25, 2017 meeting. The Board voted unanimously in favor. 5-0-0

Mr. Hederstedt then moved and Ms. Muller seconded the motion to adjourn. The Board voted unanimously in favor. 5-0-0

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

Board of Appeals Recording Clerk