**ZONING BOARD of APPEALS PUBLIC HEARING**

**Wednesday, February 28, 2018 at 7:00 p.m.**

**Griffin Meeting Room, Harwich Town Hall**

**MINUTES**

On Wednesday, February 28, 2018 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 cases.

Members present: David Ryer, Dean Hederstedt, Kathleen Muller, Al Donoghue, Meghan Mahieu, Mike Cupoli and Daniel Tworek.

**Case #2018-01**

Anthony Crugnale has applied for a Special Permit to create additional living space on the second floor of a pre-existing, non-conforming single family dwelling without increasing the footprint. 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 205 Forest Street, Map 40, Parcel Z1 in the RL Zoning District.

Voting on this case:

Dean Hederstedt, Kathleen Muller, Al Donoghue, Meghan Mahieu, and Daniel Tworek.

Anthony Crugnale introduced himself and argued his case saying that the proposed addition will not increase the footprint of the pre-exiting, non-conforming dwelling. The proposal is to add living space to the 2nd floor of the house which was built in 1860. The addition will be above that part of the house within 15’ of the side property line.

Ms. Muller asked if the applicant would need approval from the Historic District and the Historic Commission and Mr. Crugnale said that he believed that the house was outside of the “District” and would not need their approval.

Mr. Ryer said he believed that the project met the requirements of the Gale Case in that there would be no new non-conformity and no apparent detriment to the neighborhood.

Mr. Donoghue asked if there would be landscaping in the pool area and Mr. Crugnale said that they planned on working around the pool.

Mr. Tworek asked when the septic had been installed and Mr. Crugnale answered that he did not know but that the septic had passed inspection for the real estate transfer.

Mr. Cupoli approved of the plan.

Ms. Mahieu asked again about the historic significance of the house as it was built more than 100 years ago. She asked if there was a list that referred to historically significant properties that are outside of the Historic District. Ms. Delaney said that such a list existed and suggested that Mr. Crugnale should check with Community Development Department about the significance of the house being noted on that list. Ms. Mahieu also asked if the height of the house would remain below the 30’ limit and Mr. Crugnale said that it would.

There were no public comments.

Ms. Muller made a motion to close the public hearing and Mr. Donoghue seconded the motion. All voted in favor.

Mr. Hederstedt moved and Mr. Donoghue seconded the motion to GRANT the Special Permit requested for the addition of second floor living space to the pre-existing, non-conforming single family dwelling according to the plans stamped and provided finding that the Gale Case applied in that there will be an intensification of an existing non-conformity, no new non-conformity and no substantial detriment to the neighborhood.

The Board voted unanimously in favor. 5-0-0

**Case #2018-02**

John R. Lewicki, Trs et al, through his agent, McPhee Associates has applied for a Special Permit to add a roofed entry area and new 1-car garage to a 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. The property is located at 58 Uncle Venies Road, Map 17, Parcel A1-14 in the RM Zoning District.

Voting on this case:

Dean Hederstedt, Kathleen Muller, Al Donoghue, Meghan Mahieu, and Mike Cupoli

Mr. Hederstedt read a memo from the Board of Health into the record regarding a requirement for a septic upgrade as well as a note from the Conservation Agent suggesting changes to the plan before approval by the Conservation Commission.

Presenting for the Applicant was Rob McPhee of McPhee Associates who restated details of the application and handed out revised plans as per the suggestions of the Conservation Commission. He also gave to the Board members a letter from the owners detailing their family’s history in Harwich. He said that the new plans will substitute both the site and building plans with the most significant change being to the new garage. It will now be flush with the other garage rather than set back. He added that the building is a 1.5 story pre-existing, non-conforming dwelling and that the additions will intensify existing non-conformities. There will also be additions in the rear of the house which will comply with current setbacks. He said that the footprint of the new garage will be approximately 2’ more into the setback and that the height, building and site coverage amounts will remain below the limits. He added that there will be sufficient parking and drainage and that there will be no detriment to the neighborhood.

Ms. Muller said that she liked the design. Mr. Hederstedt wanted more detail regarding the height of the building and Mr. McPhee said that the garage will be approximately 22.5’ in height with the existing house about 2’ higher than that.

Mr. Donoghue asked about a vacant lot adjacent to the property in question and wanted to know if the applicants owned that, as well. Mr. McPhee said that they did and that they had no plans to build on it because of its environmental sensitivity. Mr. Cupoli said he approved of the plan.

Mr. Hederstedt made a motion to close the public hearing with Mr. Donoghue seconding the motion.

Mr. Hederstedt then moved and Mr. Cupoli seconded the motion to GRANT the Special Permit to add a roofed entry area and new 1-car garage to a pre-existing, non-conforming single family dwelling according to the plans stamped, submitted and revised, the Board finding that the Gale Case applies in that the plan will intensify existing non-conformities, create no new non-conformity and will not be substantially more detrimental to the neighborhood. Conditions include approval from the Conservation Commission and the Board of Health as well as a prohibition on large construction vehicles being parked on Uncle Venies Road for the duration of the construction. The Board voted unanimously in favor. 5-0-0

Dean Hederstedt made a motion to approve of minutes from the January 31, 2018 meeting and Ms. Muller seconded the motion. The Board voted unanimously in favor.

Ms. Muller moved to adjourn. Mr. Tworek seconded the motion. The Board voted unanimously in favor.

Submitted by Shelagh Delaney, ZBA Secretary