**ZONING BOARD of APPEALS PUBLIC HEARING**

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

**Griffin Meeting Room, Harwich Town Hall**

**MINUTES**

On Wednesday, March 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, James Hilliard, Kathleen Muller, Al Donoghue, Meghan Mahieu, Dan Tworek and Mike Cupoli.

**Case #2018-03**

Rose Bertucci, Lynn Bissonnette and Ann Bissonnette, through their agent, Daniel McGrath have applied for a Special Permit to build 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 as set forth in MGL Chapter 40A §6. The property is located at 2 Walton Rd., Map 42, Parcel M8-2 in the RR Zoning District.

Members voting on this case:

Mr. Hederstedt, Mr. Hilliard, Ms. Muller, Mr. Donoghue and Mr. Tworek

The builder, Daniel McGrath introduced himself and reiterated the details of the application noting that the project is to create a master suite and encapsulate a bulkhead which will increase the pre-existing nonconformity only slightly.

Mr. Hilliard asked if the proposed stairs will also be within the setback area and Mr. McGrath said that they would.

Mr. Ryer said that he believed that the details of the plan put this project within the reasoning of the Gale Case in that there will be no new non-conformity and no substantial detriment to the neighborhood.

There were no comments from the public.

Mr. Hederstedt made a motion to close the public hearing and Ms. Muller seconded the motion. The Board voted unanimously in favor.

Mr. Hederstedt then moved and Mr. Donoghue seconded the motion to GRANT the special permit requested to build an addition at 2 Walton Road according to the plans stamped and submitted finding that the project fits the criteria of the Gale Case in that it will be intensifying a pre-existing, non-conformity, create no new non-conformity and not be a substantial detriment to the neighborhood.

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

**Case #2018-04**

Frank K. Popkiewicz, through his agent, Jeff Baroni has applied for a Special Permit to build a second floor deck 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 as set forth in MGL Chapter 40A §6. The property is located at 8 Ruth Lane, Map 32, Parcel K4-25 in the RR Zoning District.

Members voting on this case:

Mr. Hederstedt, Mr. Hilliard, Ms. Muller, Ms. Mahieu and Mr. Cupoli.

Presenting for the applicant was the builder, Jeff Baroni of Custom Crafted Homes who restated the details of the application and stated that part of the project is for a second floor deck addition within the setback. He noted that there will be no increase in the number of bedrooms and no change of use. He added that there will be no increase in congestion, no hazard to the neighborhood and no derogation from the intent or purpose of the bylaw and asked that the Board grant the Special Permit requested.

Ms. Muller asked for and received assurance that it will be only the deck portion of the project which will encroach on any setback.

Mr. Ryer said that he believed that the case fits within the parameters of the Gale Case with no new non-conformity and no substantial detriment to the neighborhood.

There were no comments from the public.

Ms. Muller moved and Mr. Hederstedt seconded the motion to close the public hearing. All voted unanimously in favor.

Mr. Hederstedt then moved and Mr. Cupoli seconded the motion to GRANT the Special Permit requested to build a second story deck within the setback at 8 Ruth Lane according to the plans submitted and stamped, the Board having found that the proposal fits the requirements set forth in the Gale Case with 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

Mr. Hederstedt made a motion to approve of the minutes from the February 28, 2018 meeting which was seconded by Mr. Tworek. The Board voted unanimously in favor.

Mr. Hederstedt moved to adjourn and Mr. Tworek seconded the motion. The Board voted unanimously in favor.

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

Board of Appeals Recording Clerk