**ZONING BOARD of APPEALS PUBLIC HEARING**

**Wednesday, May 31, 2017 at 7:00 p.m.**

**Griffin Meeting Room, Harwich Town Hall**

**MINUTES**

On Wednesday, May 31, 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.

CALL TO ORDER AT 7 PM by Chairman David Ryer

Members Present: David Ryer, Chair, John Burke, Clerk, James Hilliard, Kathleen Muller, Franco Previd and Al Donoghue.

**Case #2017-15**

Janet K. and Edwin H. Larson, through their agent, Christopher McGrath, have applied for a Special Permit to construct a 3-season room addition onto 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 2 Pleasant Park Circle, Map 73, Parcel H2-19 in the RR Zoning District.

Members voting on this case: Mr. Burke, Mr. Hilliard, Ms. Muller, Mr. Previd and Mr. Donoghue.

Mr. Burke read onto the record a Memo from the Health Department concerning a deed restriction on the number of allowed bedrooms as well as 2 letters sent by abutters in support of the project.

Presenting for the applicants was the builder, Christopher McGrath who restated the details of the application and added that the 12’ x 18’ addition will be on the rear of the house, away from the street. Because of the significant sloping of the property, the location of the septic system and the walk-out basement, the proposed location seems to be the only viable option for the construction of the sunroom. He noted that the neighbors all get along and that the Smiths of 12 Pleasant Park Circle were present in support of the Applicants.

Mr. Ryer asked for pictures of what the room would look like and Mr. McGrath complied with 2 drawings showing the elevation “views” of the proposed sunroom.

Mr. Burke asked what type of foundation would be used and Mr. McGrath told the Board that he planned to use concrete piers with a pressure treated floor system.

Mr. Ryer said he was concerned that the plan was showing a new non-conformity on the eastern side which would require a Variance instead of a Special Permit. Mr. Burke agreed and suggested that since the new non-conformity was only an additional 1.8’ into the setback that perhaps the builder could adjust the plan 1.8’ back away from that setback eliminating the need for a Variance. The direct abutters who would be most affected by the change, the Smiths of 12 Pleasant Park Circle said that they would not mind if the sunroom were closer to their property. The builder said he would adjust the plans to reflect that change.

Mr. Burke moved and Mr. Donoghue seconded the motion to close the public discussion. The Board voted unanimously in favor. 5-0-0

Mr. Burke then moved and Mr. Previd seconded the motion to GRANT the Special Permit to build a 3-season room according to the plans provided and to be revised and resubmitted by 6/13/17 finding that the reasoning of the Gale Case applies in that the addition will not create any new non-conformity nor be substantially more detrimental to the neighborhood than the existing structure with the condition that the Applicants submit substitute plans with revisions that would put the new addition no closer than 8.9’ on the southern side and 20’ on the rear and eastern sides, which revised plans will be submitted to the Building Department for the Chairman’s approval no later than June 13, 2017. The Board voted unanimously in favor. 5-0-0

Mr. Donoghue then moved and Mr. Burke seconded the motion to accept the amended ZBA Application. The Board voted unanimously in favor. 5-0-0

Ms. Muller moved and Mr. Donoghue seconded the motion to accept the changes to the Harwich Zoning Board of Appeals Rules and Regulations. The Board voted unanimously in favor. 5-0-0

Mr. Donoghue made a motion and Mr. Burke seconded the motion to approve the Minutes from the March 21, March 29 and April 26, 2017 meetings. The Board voted unanimously in favor. 5-0-0

Mr. Donoghue then made a motion and Mr. Previd seconded the motion to adjourn the meeting. The Board voted unanimously in favor. 5-0-0