**HARWICH ZONING BOARD OF APPEALS**

**Tuesday June 30, 2021**

**MEETING MINUTES**

**BOARD MEMBERS PRESENT:**David Ryer, Al Donoghue, Jamie Armstrong, Brian Sullivan and Tim Bailey

**BOARD MEMBERS ABSENT:**Chris Murphy

**CALL TO ORDER**: Mr. Ryer called the meeting to order at 7:00 PM having established a quorum.

**Case # 2021-24**

James F. Turner, Tr. And Judith M. Turner, Tr., et al, through their agent, David Guimaraes have applied for a Special Permit to finish their basement into habitable space in a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6. The property is located at **609 Main Street.** Map 40, Parcel C1 in the RM Zoning District.

David Guimaraes introduced himself and restated the relevant portions of the application, specifying renovations will be done in the basement only to create a family room.

Discussion ensued regarding the board of health comments. Mr. Guimaraes confirmed there will be no bedrooms added to the home and will update any plans to confirm there will be no bedrooms if needed.

The Board had no further questions and there were no additional comments from the public.

Mr. Sullivan then moved to close the public hearing with a second by Mr. Bailey. The Board voted unanimously in favor. 5-0-0

Mr. Ryer agreed that project meets the requirements of the by-law and the Gale Case with intensifications of existing non-conformities.

Mr. Donaghue moved the Board grant the Special Permit to Permit to finish their basement into habitable space in a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, Table 2, Area Regulations and the Gale Case as set forth in MGL Chapter 40A §6 for the property located at **609 Main St,** according to the plans submitted, the Board having found that the project will intensify existing non-conformities and not subject the neighborhood to any substantial detriment. This Special Permit is granted subject to the following conditions:

1. **For the life of the approved project, all construction vehicles will be parked on the Applicants’ property and not on any public street or road.**
2. **It is a condition of this approval that a violation of the terms and conditions of this Special Permit may be enforced as a violation of the Harwich Zoning Bylaw pursuant to G.L. ch 40A, Sec. 7, and the Harwich Zoning Bylaw, as these may be amended from time to time;**

Mr. Armstong seconded the motion. No discussion from the board. The Board voted unanimously in favor.           Vote: 5-0-0; Special Permit is granted.

**Case # 2021-25**

Harwich Bay Limited Partnership and Bank of America Corp., through their agent, William Sharkey have applied for a Variance to install new exterior security lighting at the Bank of America ATM. The application is pursuant to MGL Chapter 40A §10. The property is located at **305 Route 28**, Map 12, Parcel X3-33B in the RH-1 Zoning District.

Discussion

Mr. Bill Sharkey introduced himself and the lighting consultant, Mr. Josh Wagner. Mr. Wagner restated relevant portions of the application.

Discussion ensued about the 2 foot candlelight minimum safety requirements for the bank, which differs from the Dark Sky Bylaw, and how the lighting will affect the residential abutters.

Mr. Armstrong asked if the project will meet the Massachusetts building code standard. A member of the audience, the architect for the project, stated it would meet the standard for Massachusetts.

The Board had no further questions and there were no additional comments from the public.

Mr. Ryer then moved to close the public hearing with a second by Mr. Armstrong. The Board voted unanimously in favor. 5-0-0

The board discussed the case. Mr. Armstrong questioned whether or not this case meet the hardship requirements. Mr. Ryer stated because of the unique shapes, size and topography of the property it does meet the criteria.

34:00 Mr. Donaghue moved that the Board grant the Variance to install new exterior security lighting at the Bank of America ATM. The application is pursuant to MGL Chapter 40A §10. The property is located at **305 Route 28**, Map 12, Parcel X3-33B in the RH-1 Zoning District.

1. **For the life of the approved project, all construction vehicles will be parked on the Applicants’ property and not on any public street or road**
2. **It is a condition of this approval that a violation of the terms and conditions of this Special Permit may be enforced as a violation of the Harwich Zoning Bylaw pursuant to G.L. ch 40A, Sec. 7, and the Harwich Zoning Bylaw, as these may be amended from time to time;**

Mr. Bailey seconded the motion. No discussion from the board. The Board voted unanimously in favor.           Vote: 5-0-0; Variance is granted.

**Case # 2021-26**

Glen R. Sherman and Lisa F. Sherman, through their agent, Timothy Holmes have applied for a Special Permit to construct a new detached accessory dwelling. The application is pursuant to the Code of the Town of Harwich, §325-Table 2, Area Regulations and Table 3, Height & Bulk Regulations as set forth in MGL Chapter 40A §6. The property is located at **20 Deacon’s Folly Road**, Map 46, Parcel M8-2 in the RL-1 Zoning District.

Mr. Armstrong excused himself from the case due to avoid any controversy because he has personal relationship with the application.

Mr. Ryer offered to continue the case because there would only be 4 board members voting. The applicant said he will present first.

Timothy Holmes introduced himself and restated relevant portions of the case, including setbacks and increasing square footage of ADU. Provided letters from all the abutters in favor of the project.

Mr. Ryer said the case requires a variance not a special permit if moving the building into the setback.

Discussion ensued regarding setbacks, site coverage and whether to move forward as a special permit or reapply as a variance.

The Board had no further questions and there were no additional comments from the public.

Mr. Ryer then moved to continue the case with a second by Mr. Donahue. The Board voted unanimously in favor. 4-0-0 Case Continues

**Case # 2021-27**

Christen Ward, Trustee of the Wychmere Harborview Trust, through her agent, Attorney William Crowell has applied for a Special Permit (or in the alternative, a Variance) to construct a new in-ground pool and deck. 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 (or Chapter 40A §10).  The property is located at **651 Route 28**, Map 15, Parcel C2- in the RL Zoning District.

Attorney William Crowell, introduced himself and restated relevant portions of the case, including the pool will be used as a therapy pool for the family.

Discussion ensued about site coverage, pool size and safety

The Board had no further questions and there were no additional comments from the public.

Mr. Ryer then moved to close the public hearing with a second by Mr. Armstrong. The Board voted unanimously in favor. 5-0-0

Mr. Ryer agreed that project meets the requirements of the Gale Case with intensifications of existing non-conformities.

Mr. Donaghue moved that the Board grant the Special Permit to construct a new in-ground pool and deck. The application is pursuant to the Code of the Town of Harwich, 325 Table 2, Area Regulations and the Gale Case as set forth in MGL Chapter 40A §6 for the property located at **651 Route 28,** according to the plans submitted, the Board having found that the project will intensify existing non-conformities and not subject the neighborhood to any substantial detriment. This Special Permit is granted subject to the following conditions:

1. **For the life of the approved project, all construction vehicles will be parked on the Applicants’ property and not on any public street or road**
2. **It is a condition of this approval that a violation of the terms and conditions of this Special Permit may be enforced as a violation of the Harwich Zoning Bylaw pursuant to G.L. ch 40A, Sec. 7, and the Harwich Zoning Bylaw, as these may be amended from time to time;**

Mr. Ryer seconded the motion. No discussion from the board. The Board voted unanimously in favor.           Vote: 5-0-0; Special Permit is granted.

**Case # 2021-28**

Patricia R. Irving, through her agent, Attorney William Crowell has applied for a Special Permit (or in the alternative, a Variance) to partially finish a basement, construct a 2nd floor dormer and add a 4’ x 7’ deck. The application is pursuant to the Code of the Town of Harwich, §325-54 and Table 2 Area Regulations as set forth in MGL Chapter 40A §6 (or Chapter 40A §10).  The property is located at **119 Sisson Road**, Map 30, Parcel S2-A in the RL Zoning District.

Attorney William Crowell, introduced himself and restated relevant portions of the case, noting the applicant is only converting existing structure to habitable space. There will be no substantial increased noise, traffic, fumes, odors or the like; No substantial detriment to the entire neighborhood.

Discussion ensued regarding maximum height.

The Board had no further questions and there were no additional comments from the public.

Mr. Ryer then moved to close the public hearing with a second by Mr. Sullivan. The Board voted unanimously in favor. 5-0-0

Mr. Ryer agreed that project meets the requirements of the Gale Case with intensifications of existing non-conformities.

Mr. Donaghue moved that the Board grant the Special Permit to partially finish a basement, construct a 2nd floor dormer and add a 4’ x 7’ deck.. The application is pursuant to the Code of the Town of Harwich, Table 2, Area Regulations and the Gale Case as set forth in MGL Chapter 40A §6 for the property located at **119 Sisson Road,** according to the plans submitted, the Board having found that the project will intensify existing non-conformities and not subject the neighborhood to any substantial detriment. This Special Permit is granted subject to the following conditions:

1. **For the life of the approved project, all construction vehicles will be parked on the Applicants’ property and not on any public street or road**
2. **It is a condition of this approval that a violation of the terms and conditions of this Special Permit may be enforced as a violation of the Harwich Zoning Bylaw pursuant to G.L. ch 40A, Sec. 7, and The Harwich Zoning Bylaw, as these may be amended from time to time;**

Mr. Bailey seconded the motion. No discussion from the board. The Board voted unanimously in favor.           Vote: 5-0-0; Special Permit is granted.

**APPROVAL OF PRIOR MEETING MINUTES**

Mr. Ryer moved to approve the minutes for April and May. Mr. Armstrong seconded - vote 5-0

The motion carried; the April and May minutes were approved

**ADJOURNMENT**

Mr. Ryer moved to adjourn the meeting with a second by Mr. Donaghue. The Board voted unanimously in favor; motion carried. Vote: 5-0 Meeting adjourned.

Respectfully Submitted,

Lecia McKenna

Recording Secretary to the Board

Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_, 2021