**HARWICH ZONING BOARD of APPEALS PUBLIC HEARING**

**Wednesday, August 28, 2019 at 7:00 p.m.**

**Griffin Meeting Room, Harwich Town Hall**

**MINUTES**

On Wednesday, August 28, 2019 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, Mike Cupoli and Jamie Armstrong

**Case #2019-27 (CONTINUED FROM 7.31.19)**

Robert M. Lothrop applied for a Variance to construct an 80’ long retaining wall within the setback. The application is pursuant to the Code of the Town of Harwich, §325 Table 2, Area Regulations as set forth in MGL Chapter 40A §10. The property is located at **51 John Joseph Road,** Map 62, Parcel P13 in the RR Zoning District.

Mr. Hederstedt read into the record a written request from the Applicant, Robert Lothrop to continue this case until the September 25, 2019 meeting.

Ms. Muller moved and Mr. Donoghue seconded the motion to continue Case # 2019-17 until 7:00 PM on 9/25/19.

**Case #2019-31**

Robert West, through his agent, Joseph Hannigan, applied for a Special Permit to demolish and replace a portion of a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, §325-54, §325 Table 2, Area Regulations, and §325 Table 3, Height and Bulk Regulations as set forth in MGL Chapter 40A §6. The property is located at **632 Route 28**, Map 15, Parcel P-10 in the RL Zoning District.

Mr. Hederstedt read into the record comments from the senior health agent saying that the Health Department has no concerns regarding the proposed plan.

Members voting on this case: Ms. Muller, Mr. Ryer, Mr. Donoghue, Mr. Armstrong and Mr. Cupoli.

Joseph Hannigan, the builder, presented the case for the Applicants. He restated details of the application and added that the project met the criteria for a Special Permit with no substantial detriment to the neighborhood, no undue hazard nor nuisance and no new non-conformity. The owners recently purchase the property and discovered structural deficiencies with the foundation as the house is nearly 100 years old. The front will remain primarily the same with changes to the windows and trim but the rear needs to be razed and replaced. There will be no increase in bedrooms. There is a garage which the owners hope to use as a sitting room-type of extension to the patio area. It will have no plumbing.

Ms. Muller said that she believed the requirements of the Gale Case had been met and all of the Board members agreed. Mr. Ryer suggested a condition limiting summer construction.

Mr. Cupoli made a motion to close the public hearing with a 2nd by Ms. Muller. The Board voted unanimously in favor.

Mr. Donoghue moved to grant the requested Special Permit to demolish and replace a portion of a pre-existing, non-conforming single family dwelling pursuant to the finding of the Gale Case and the Code of the Town of Harwich, §325-54, §325 Table 2, Area Regulations, and §325 Table 3, Height and Bulk Regulations as set forth in MGL Chapter 40A §6 and according to the plans provided for the property located at **632 Route 28**, Map 15, Parcel P-10, the Board having found that the project will intensify existing non-conformities add no new non-conformity and offer no substantial detriment to the neighborhood. There is a condition that no substantial new construction, demolition or new landscaping occur between June 30 and Labor Day of 2020.

There was a 2nd by Mr. Armstrong. The Board voted unanimously in favor. 5-0-0

The Board discussed a number of current issues from past cases including the 40B Comprehensive Permit granted for Case # 2017-04. Habitat for Humanity has submitted applications for the building of 6 single family houses on Murray Lane, off of Route 28 in West Harwich. Ms. Delaney noted that plans are available for the Board to review at the Building Department.

There had also been an article in the Cape Cod Chronicle regarding storage of equipment and materials at both the old East Harwich Fire Station location and the sand pit owned by Mr. Paul Cuddy at 0 Halls Path. The Board reviewed the details of a temporary special permit which had been granted to Mr. Cuddy for Case # 2017-38 which expires on October 1, 2019 and which is limited to specific equipment and debris from the gas pipeline project. The Board agreed that Mr. Cuddy will have to reapply for another Special Permit.

The Board also agreed that because the wastewater sewage treatment project has been considered by the Town to be an “Essential Service” according to the definition in the Code, the use of the Fire Station location for storage of equipment and materials for the project will also require a Special Permit.

Mr. Cupoli made a motion to accept the minutes of the July 31, 2019 meeting with minor changes incorporated at this meeting with a 2nd by Mr. Donoghue. The Board voted unanimously in favor.

Mr. Hederstedt made a motion to adjourn with a 2nd by Ms. Muller. The Board voted unanimously in favor.

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

Board of Appeals Recording Clerk