**HARWICH ZONING BOARD OF APPEALS**

**Wednesday August 25, 2021**

**MEETING MINUTES**

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

**BOARD MEMBERS ABSENT:**Tim Bailey and Chris Murphy

**CALL TO ORDER**: Mr. Ryer called the meeting to order at 7:02 PM having established a quorum.

**PUBLIC HEARINGS**

**Case # 2021-33**

Frederick Leo and Janice Delory Trustees, through their agent, Chris Childs of Patriot Builders, have applied for a Special Permit to finish the basement of 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 **7 Shore Road Ext**, Map 5, Parcel P1-27 in the RH-1 Zoning District.

Chris Wood introduced himself and restated relevant portion, noting a finished basement will not be more substantially detrimental to the neighborhood than the existing structure and will not cause or contribute any undue nuisance hazard or congestion the neighborhood.

Mr. Armstrong asked if there will be any bedrooms and if the gym will be open.

Mr. Wood responded there are no bedrooms and the line in the plans shows a structural beam, not a wall.

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. Vote: 4-0-0. Public hearing closed

Mr. Ryer asked the applicant if he would like to move forward with only only 4 voting members.

Mr. Wood stated he would like to move forward and take a vote.

Mr. Donoghue moved that the Board grant the Special Permit to finish the basement of a pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich, Table 2, Area Regulations as set forth in MGL Chapter 40A §6 for the property located at **7 Shore Road Ext.,** 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. All work shall be performed in accordance with the plans submitted with this application. 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. Sullivan seconded the motion. No discussion from the board. The Board voted unanimously in favor. Vote: 4-0-0; Special Permit is granted.

**Case # 2021-34**

Kathleen Kelly, through her agent, Thomas Moore Design Co., has applied for a Special Permit to renovate the existing structure and build an addition connecting the existing house and garage of 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 **16 Shore Road,** Map 2, Parcel B1-26 located RH-1 in the Zoning District.

Mr. Ryer asked the applicant if he would like to move forward with only 4 voting members.

Thomas Moore, of Thomas Moore Design Company, introduced himself, confirmed he will move forward and restated relevant portions of the case. The applicant would like the ability to move from garage to the house without being outdoors. The addition meets building and site coverage requirements and will not be substantially more detrimental to the neighborhood. Mr. Moore acknowledged the comment from the Health Department and will modify plans to meet the 4 bedroom maximum requirement.

Mr. Sullivan asked why the plans show there is already 5 existing bedrooms.

Mr. Moore said the Dining room was mistakenly labelled as a bedroom on the plans.

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. Vote: 4-0-0. Public hearing is closed.

Mr. Donoghue moved that the Board grant the Special Permit to renovate the existing structure and build an addition connecting the existing house and garage of a pre-existing, non-conforming single-family dwelling .The application is pursuant to the Code of the Town of Harwich, Table 2, Area Regulations as set forth in MGL Chapter 40A §6 for the property located at **16 Shore 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. All work shall be performed in accordance with the plans submitted with this application. 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. 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. c 40A, Sec. 7 and the Harwich Zoning Bylaw, as these may be amended from time to time.

Mr. Sullivan seconded the motion. No discussion from the board. The Board voted unanimously in favor. Vote: 4-0-0; Special Permit is granted.

**Case # 2021-35**

Daniel C. and Mary Ellen Shea, Trustees of Shea Sequatton Lane Nominee Trust, through their agent, Attorney William Crowell, have applied for a Special Permit (or in the alternative, a Variance) to construct a second-floor dormer expanding the bedroom and adding a full bath to the existing garage of the 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 (or Chapter 40A §10). The property is located at **29 Sequatton Lane,** Map 7, Parcel A-22 located RH-1 in the Zoning District.

Mr. Ryer asked the applicant if he would like to move forward with only 4 voting members.

Attorney William Crowell confirmed to move forward, introduced himself and Dan Shea, and restated relevant portions of the case. The applicant will satisfy the Board of Health requirements before applying for their building permit. There will be no increase in site or building coverage and no substantial increased noise, traffic, fumes, odors or the like; No substantial detriment to the entire neighborhood.

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

Ryer Moved to close the hearing. Seconded Donoghue. Vote 4-0-0. Public hearing closed.

Mr. Donoghue moved that the Board grant the Special Permit to second-floor dormer expanding the bedroom and adding a full bath to the existing garage of a pre-existing, non-conforming single-family dwelling .The application is pursuant to the Code of the Town of Harwich, Table 2, Area Regulations as set forth in MGL Chapter 40A §6 for the property located at **29 Sequatton Ln,** 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. All work shall be performed in accordance with the plans submitted with this application. 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. 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. c 40A, Sec. 7 and the Harwich Zoning Bylaw, as these may be amended from time to time.

Mr. Armstrong seconded the motion. No discussion from the board. The Board voted unanimously in favor. Vote: 4-0-0; Special Permit is granted.

**Case # 2021-36**

Richard Becker, through his agent, Attorney William Crowell, has applied for a Special Permit (or in the alternative, a Variance) to finish the basement of 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 (or Chapter 40A §10). The property is located at **76 Bay Road**, Map 98, Parcel S7-27 in the RR Zoning District.

Mr. Ryder asked the applicant if he would like to move forward with only 4 voting members.

Attorney William Crowell confirmed he will move forward, introduced himself and Richard Becker, and restated relevant portions of the case. The applicant will ensure to satisfy the Board of Health requirements before applying for their building permit by widening the opening to the library. There will be no increase in site or building coverage and no substantial increased noise, traffic, fumes, odors or the like; No substantial detriment to the entire neighborhood.

Mr. Armstrong stated safety is also an issue if adding a bedroom in the basement due to lack of egress.

Mr. Crowell responded that space will primarily be used as a library and not as a sleeping space.

No additional comments from the public.

Ryer moved to close public hearing, seconded by Mr. Donoghue. Vote 4-0-0. Public hearing closed.

Discussion ensued regarding the definition of a bedroom per Board of Health.

No further discussion from the Board.

Mr. Donoghue moved that the Board grant the Special Permit to finish the basement of a pre-existing, non-conforming single-family dwelling .The application is pursuant to the Code of the Town of Harwich, Table 2, Area Regulations as set forth in MGL Chapter 40A §6 for the property located at **76 Bay Rd,** 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. All work shall be performed in accordance with the plans submitted with this application. 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. 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. c 40A, Sec. 7 and the Harwich Zoning Bylaw, as these may be amended from time to time.

Mr. Armstrong seconded the motion. No discussion from the board. The Board voted unanimously in favor. Vote: 4-0-0; Special Permit is granted.

**Case # 2021-37**

Edward M. and Linda Lane, through their agent, Attorney William Crowell, have applied for a Special Permit (or in the alternative, a Variance) to construct a sunroom and bedroom suite over the existing garage of 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 (or Chapter 40A §10). The property is located at **411 Lower County Road**, Map 13, Parcel T6 in the RH-1 Zoning District.

Mr. Ryer asked the applicant if he would like to move forward with only 4 voting members.

Attorney William Crowell confirmed he will move forward, introduced himself and Edward Lane, and restated relevant portions of the case. Because the Building Department erroneously issued the permit without Board approval, the addition over the garage is already finished. The applicant is replacing a patio with the proposed sunroom, so site coverage will decrease and there are no future plans for a patio. The applicant will satisfy the Board of Health requirements for their building permit. There will be no substantial increased noise, traffic, fumes, odors or the like; No substantial detriment to the entire neighborhood.

Discussion ensued regarding why the finished addition was approved by the Building Department.

No further discussion from the Board or public.

Ryer moved to close public. Seconded Armstrong Vote 4-0-0. Public hearing closed.

Mr. Donoghue moved that the Board grant the Special Permit construct a sunroom and bedroom suite over the existing garage of a pre-existing, non-conforming single-family dwelling .The application is pursuant to the Code of the Town of Harwich, Table 2, Area Regulations as set forth in MGL Chapter 40A §6 for the property located at **411 Lower County Rd,** 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. All work shall be performed in accordance with the plans submitted with this application. 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. 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. c 40A, Sec. 7 and the Harwich Zoning Bylaw, as these may be amended from time to time.

Mr. Sullivan seconded the motion. No discussion from the board. The Board voted unanimously in favor. Vote: 4-0-0; Special Permit is granted.

**APPROVAL OF PRIOR MEETING MINUTES**

Mr. Ryer moved to approve the minutes for July, Mr. Armstrong seconded. Vote 4-0

The motion carried; the June minutes were approved

**ADJOURNMENT**

Mr. Ryer moved to adjourn the meeting at 8:09pm with a second by Mr. Donoghue. The Board voted unanimously in favor; motion carried.  Vote: 4-0 Meeting adjourned.

Respectfully Submitted,

Lecia McKennna, Acting Board Secretary