

2022-15
Case #



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS
Notice of Appeal/Application and Petition for Public Hearing



This Notice *does not* apply to Comprehensive Permits.
Please refer to the Rules and Regulations of the Town of Harwich Board of Appeals for documentation requirements.

This original completed and signed notice of appeal/Application, along with a certified abutters list and twelve (12) copies of all plans, sketches, statements, site plans or other supporting documents per the attached checklist must be presented to the Building Department prior to being filed with the Town Clerk. The required documentation, ALL of which must be submitted on the date of filing, is listed on page two (2) of this application. **THE RULES AND REGULATIONS ("RULES") OF THE TOWN OF HARWICH BOARD OF APPEALS APPLY TO ALL APEALS AND APPLICATIONS AND SHOULD BE CONSULTED BEFORE FILING AN APPEAL OR APPLICATION TO INSURE COMPLIANCE WITH THEM.**

To the Harwich Zoning Board of Appeals, Harwich, MA:

We hereby petition your Board for a public hearing on the request for action checked below:

- () Appeal from decision of or refusal of permit application by Building Inspector, Selectmen or Planning Board or other administrative officer or officers.
- () Application for a Variance from requirements of Harwich Zoning By-Law.
- (X) Application to amend a Special Permit issued by the Board of Appeals, or in the alternative, application for a new Special Permit that is subject to Board of Appeals approval.

We are the owners/agent of the property involved in this petition, which is located in Harwich, MA at the following address:

23 Snow Inn Road, Unit 12 (Beach Club). Said property is further described on

Assessor's Map # 8 and Parcel # P-2-12 located in the RH-3 and RL Zoning District as shown on the attached plan.

Describe Petition/Appeal: See attached Narrative.

Relief requested - Cite specific Bylaw Section(s): See attached Narrative.

Signature of Owner (or Agent) Andrew L. Singer, Attorney By: Andrew L. Singer, Attorney Date January 27, 2022
(Written authorization by the owner must accompany an appeal/application signed by agent.)

Owner Name Wychmere Harbor Real Estate, LLC Phone No. c/o Andrew L. Singer, Esq. 508-398-2221

Mailing Address: 23 Snow Inn Road, Harwichport, MA 02646

Agent Name: Andrew L. Singer, Esq. Phone No. 508-398-2221

Mailing Address: c/o Law Office of Singer & Singer, LLC, P.O.Box 67, Dennisport, MA 02639

Has a petition previously been submitted for this property (Y/N) Yes. If yes, the date of original hearing 11/5/76, 1/8/85, 9/24/08, 1/5/11, 7/31/19, 4/28/21, 1/27/21 Petition Nos. 76-38, 85-1, 08-51, 10-39, 2019-58 2020-32, 2020-45, 2021-12. Approved

For Appeal Only:

Reason for Denial: _____

Denial From: _____ Date of Denial: _____

Within 14 days following any Board decision, the Board will file its decision with the Town Clerk. A building permit will not be issued during the appeals period, until 21 days after the Board of Appeals decision has been filed with the Town Clerk or if an appeal to that decision has been filed during that time. It is the **applicant's responsibility** to have the decision recorded at the Barnstable County Registry of Deeds or Land Court, whichever may be applicable, and to present copies of that recording to the Town Clerk and to the Building Department with all Building Permit application requirements.

Appeal/Application Checklist

Please be advised that incomplete applications may result in a delay in processing your appeal/application and **may result in a denial by the Board** without consideration of the merits of the appeal/application. **IT IS YOUR RESPONSIBILITY TO REVIEW THE RULES THAT APPLY TO YOUR APPEAL/APPLICATION AND TO MAKE SURE BEFORE FILING THAT YOUR APPLICATION/APPEAL COMPLIES WITH THOSE RULES.** The burden of proof is on the petitioner, not on the Town. If you do not understand the criteria, legal counsel should be sought. Either the petitioner or representative is required to appear at the hearing to present the application.

All applicants for hearing before the Zoning Board of Appeals must complete the Notice of Appeal and Petition for Public Hearing application and submit the completed application, with the supporting documentation listed herein, to the Building Department for review and subsequent filing with the Town Clerk. The Building Department accepts Zoning Board of Appeals applications during posted hours. You are strongly encouraged to submit your application to the Building Department well in advance of the filing deadline to allow adequate time for staff review for completeness. **All information, including the applicable fee made payable to the Town of Harwich, must be submitted at the time of application.**

Please submit the following, sorted and grouped into **twelve (12) packets along with one (1) Certified Abutters List** (Available from the Assessors Department. A separate application and fee is required.):

- X **The original Board of Appeals application (additional stamped copies can be provided at a nominal fee):**
 - Signed by the owner or agent.
 - If signed by an agent, a letter of authorization signed by the owner must also be included.

- X **A typewritten narrative to explain the project, the purpose for this application, and the relief requested, with citations to the applicable provisions of the zoning by-law.**

- X **The original and eleven (11) copies of a Certified Plot Plan with topographical information plan (not septic plans), not more than five (5) years old (total of 12 copies):**
 - 8½" x 11" or larger. *Larger plans must be folded.*
 - Scale no greater than 1" = 50'
 - Original stamped and signed by a Professional Engineer (as allowed by law), or a Professional Land Surveyor.
 - Certified Plot plan **must** indicate:
 - the locus;
 - the parcel or parcels of land involved;
 - the existing building or buildings;
 - the proposed building or buildings, and/or additions to, or alterations of existing buildings with all dimensions set forth;
 - the location of the septic;
 - the Town of Harwich zoning requirements applicable to the property, as well as existing and proposed dimensions for: frontage, front, side, and rear setback distances, building height(s), building stories, building and site coverage, and parking requirements (if any);
 - all perimeter dimensions (existing and proposed);
 - location and width of abutting, and on-site, street and drives, parking, existing topography;
 - a grading plan, areas of proposed and retained vegetation, distinction between upland and wetland.
 - Building Plans drawn to scale:
 - Floor layout (for existing structure and proposed additions and/or alterations)
 - Proposed front, side, and rear elevations

- X **Certified Abutters List**

- X **Check made payable to "Town of Harwich" for \$315.00.**

Please be advised that by signing and submitting this application, you hereby authorize the members of the Board of Appeals or its agent to conduct a site visit of the exterior of your property for an inspection of the subject location, should they deem it appropriate.

By: Andrew L. Singer Andrew L. Singer, Atty
Signature of Owner or Agent *(please indicate)*

Town of Harwich Board of Appeals

Applicant: Wychmere Harbor Real Estate, LLC
Property: 23 Snow Inn Road, Harwichport, MA

Applicant/Property. The Applicant, Wychmere Harbor Real Estate, LLC, owns the Wychmere Beach Club located at 23 Snow Inn Road in Harwichport. The Property, which is shown as Parcel P-2 on Harwich Assessors Map 8, is currently improved with the buildings, amenities, and facilities that comprise the Wychmere Beach Club, including the Snow Inn Hotel and Channel House, and the separate Wychmere Shores residences.

Proposal. The Applicant seeks to further amend approved Decision 2020-45 as previously amended solely to add a pergola/trellis (approximately 661 sq. ft.) over an existing patio at the south side of the Coastal Bar Pavilion at the Beach Club. There will be no changes to approved buildings within or any other aspect of the Beach Club. There will be no changes to any of the following: conforming building coverage and building height, conforming southerly setback, pre-existing nonconforming site coverage, and pre-existing nonconforming amenities coverage. The proposed pergola/trellis is shown on the submitted elevations and site plan.