

Office Copy 2022-16
Case #



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS
Notice of Appeal/Application and Petition for Public Hearing, ("APPLICATION")

This Application *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 ("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 this Application. **THE RULES AND REGULATIONS ("RULES") OF THE TOWN OF HARWICH BOARD OF APPEALS APPLY TO ALL APPEALS AND APPLICATIONS AND SHOULD BE CONSULTED BEFORE FILING AN APPEAL OR APPLICATION TO ENSURE COMPLIANCE WITH THEM.**

To the Zoning Board of Appeals, Harwich, MA:

(We, I) 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 the Building Inspector, Selectmen or Planning Board or other administrative officer or officers.
- Application for a Variance from requirements of the Harwich Zoning By-Law.
- Application for a Special Permit that is subject to Board of Appeals approval.



I/we am/are the owner[s]/agent of the property involved in this petition, which is located in Harwich, MA at the following address:

53 FREEMAN ST. Said property is further described on

Assessor's Map # 23 and Parcel # R1 located in the RL Zoning District as shown on the attached plan.

Describe Petition/Appeal: special permitting

Relief requested - Cite specific Bylaw Section(s):

Signature of Owner (or Agent) Cher Myatt Date 2/4/22
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name CHERIE MYATT - BRAZIS Phone No. 781 718 2437

Mailing Address: 53 LAZELL ST HINGHAM MA 02043

Agent Name: _____ Phone No. _____

Mailing Address: _____

Has a petition previously been submitted for this property (Y/N) X

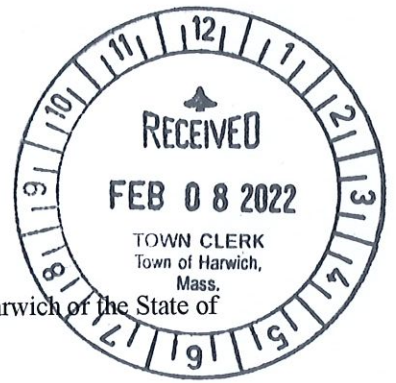
If yes, the date of original hearing _____ Petition No. _____ Decision _____

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.



Name of Applicant: CHERIE MYATT - BRACI

Address of Property: 53 FREEMAN ST

Zoning District: _____

Is the property Located in any Special District(s)/Overlay District(s) established by the Town of Harwich of the State of Massachusetts: Yes _____ No _____

If Yes, specify District(s): _____

Year Structure(s) Built: 1930

Name/Address of Engineer/Architect: JON APREA PETER TUTTLE

Name/Address of Attorney: WILLIAM CROWELL

	Required by Bylaw	Existing	Proposed
Lot Area	40,000	7597 ±	
Frontage	150 ft	7919 ±	
Front Yard Setback	25 ft	3 ft	12.1 ft
Side yard Setback	20 ft	14 ft	14.1 ft
Rear Yard Setback	20 ft	30 ft	30 ft
Any Yard Setback - Specify which:			
Building Coverage	15 ft	22 ft	20.1 ft
Site Coverage	30%	29%	38.9%
Building Height		1 1/2 story	2 1/2 story
If this is an Application for an Accessory Apartment, in addition to the above:			
A. Net Floor Area of the Principal Dwelling	N/A		
B. Net Floor Area of the proposed Accessory Apartment	N/A		

Form of Relief Requested: Relief from front & side setbacks & relief from max bldg coverage

If the Applicant is requesting a Variance, state the hardship which the Applicant believes justifies this form of relief in accordance with MGL Chapter 40 and the Harwich Zoning Bylaw:

Pre-existing non-conforming lot

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 property involved in this petition, should they deem it appropriate.

The Board of Appeals is entitled to rely on the information contained in this Application. Therefore, the undersigned certifies that the information provided in this Application, and all submitted plans and other documentation, is true and accurate to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner's Signature: Cherie Myatt Date: 2/7/22

Please be advised that an incomplete Application may result in a delay in processing your Application and **may result in a denial by the Board** without consideration of the merits of the 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 his/her agent is required to appear at the hearing to present the Application.

All applicants for hearing before the Board of Appeals must complete the Application and submit along with it the supporting documentation listed herein to the Building Department for review and subsequent filing with the Town Clerk. The Building Department accepts 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 with the 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):

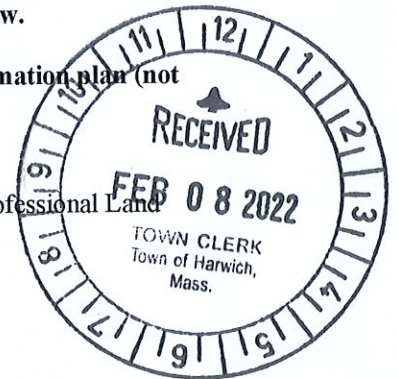
_____ **The original Application (additional stamped copies can be provided at a nominal fee):**

- Signed by the owner or agent.
- If signed by an agent, a letter of authorization signed by the owner must also be included.

_____ **A typewritten narrative to explain the project , the purpose for this Application and the relief requested, with citations to the applicable provisions of the MGL and the Harwich Zoning Bylaw.**

_____ **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, sides, 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



_____ **Certified Abutters List**

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

Myatt-Brazis – 53 Freeman Street

The Petitioner requests a Special Permit to demolish and replace the pre-existing, non-conforming single-family residence as per the revised Site Plan by Tuttle Land Surveying originally dated October 16, 2021 and revised on February 11, 2022 and the Building and Elevation Plans by PREA Design Inc. dated October 22, 2021, drawings A1 – A6. The revised Site Plan moved the driveway 10 inches to the left and made it 24 feet deep and 19.5 feet wide in order to have the site coverage conforming at 29.9%. Consequently, a Variance for the same as set forth in the denial/referral letter of January 21, 2022 by the building official would no longer be required.

As a result, the relief requested of this board is a Special Permit to decrease the pre-existing, non-conforming northerly set back of 14.1 feet to 14.0 feet, and make the non-conforming set backs from Freeman Street (presently 3 feet) and Hoyt Road (presently 10.0 feet) more conforming at 12.0 feet and 10.1 feet, respectively. Although the building coverage was non-conforming at 22.0% (15% max) it will be reduced to 20.1 percent.

In accordance with the findings of the Gale case this board may grant the aforementioned relief to intensify existing non-conformities to construct habitable space within the required setbacks upon a finding that the same will not constitute a substantial detriment to the entire neighborhood.

In the alternative the Petitioner requests a Variance for the aforementioned demolition and replacement.



**TOWN OF HARWICH
HISTORIC DISTRICT AND
HISTORICAL COMMISSION**



Please submit this application to: Town of Harwich Building Department
732 Main Street, Harwich, MA 02645
 Telephone: (508) 430-7506 Fax: (508) 430-4703

Application fee: \$55

Harwich General By-Laws, Chapter 131, Article II, §131-8.A, Notice of Intent to Demolish. Before any building constructed prior to one hundred years before the present calendar year is demolished in whole or in part, a Notice of Intent to do so will be filed with the Commission.

Application for Notice of Intent

I, CHERIE MYATT / TDI REALTY intend to demolish in whole or in part the structure located at
(Print Owner/Applicant's Name)
53 FREEMAN ST HARWICH MA
(Street Number) (Street Name) (Village) (Assessor's Map) (Parcel #) (Zoning District(s))

Section 1 - Owner/Applicant Information *(Note: A non-owner may apply, however written authorization of the owner is required at the time of submittal of this Application)*

Owner CHERIE MYATT - BRADIS Telephone 781-718-2437
 Mailing Address 83 LAZELL ST HINGHAM, MA Email Address CMYATT@THECMGROUP.COM
 Legal Owner's Authorization Cher Myatt
 Applicant (if different) _____ Telephone _____
 Mailing Address (if different) _____ Email Address _____

Section 2 - Determination of Historical Significance

Description of Structure to be demolished *(in whole or in part)*
ENTIRE STRUCTURE OF HOME (NOT THE GARAGE)

Date Building was Constructed: APPROX 1930
 Which records were used to establish this date? HARWICH TOWN SITE

Is the building listed on the National or Massachusetts Register of Historic Places?
 No. X Yes, If yes, which register?
COULD NOT FIND ON MAPS OR OTHER LISTINGS

Original Owner if known UNKNOWN LINDA MAHER

Subsequent Owners if known _____

Section 2 - Determination of Historical Significance - Con't

Has the property been associated with any noteworthy events or with the political, cultural, economic, or social history of the Town or Region? Please list: _____

NO

Type of Architectural Style: FARM HOUSE

Method of Construction: _____

Type of Materials Used: ALUMINUM SIDING ON EXTERIOR

Name(s) of Architect, Designer or Builder if known: UNKNOWN

Section 3 - Project Plan and Condition of Existing Structures

Full Demolition: or Partial Demolition:

For Partial Demolition, describe portion(s) to be demolished: _____

Age(s) of portion(s) to be demolished: _____

Describe how the remaining structure will be treated and renovated: _____

LOOKING TO DESIGN OLD FARMHOUSE STYLE HOME TO KEEP WITH LOOK/FEEL OF TOWN + GRADE CODE

List reports detailing condition of structure and results of inspections conducted by certified engineer or other design professional: ARCHITECT, ENGINEER AND CONTRACTOR ALL

RECOMMENDED A DEMO - HOUSE HAS MOLD, ROT, ASBESTOS, ANIMAL, WATER DAMAGE) UNEVEN STRUCTURE, OLD FOUNDATION SINKING -

Is there room on the site to relocate the structure or integrate it with the new project? Yes No

Describe what alternatives to demolition have been investigated: VERY SMALL LOT -

WE WOULD LIKE TO KEEP GARAGE AND MOVE HOUSE SLIGHTLY TO CONFORM WITH NEW BUILDING STANDARDS / CODE

Section 4 - Filing Requirements

Assessor Map

One Certified Abutter List - available from the Assessor's Office for a fee.

One (1) original and twelve (12) copies of each of the following shall be submitted:

MICRMS

1. Completed Application Form & Owner authorization if required
2. Certified Site Plan and Locus Map - *ENGINEER?*
3. Registered Professional(s) Stamped Reports of Inspection *Damage/determining factor*
4. Complete set of Photographs (of sufficient quality and number) showing all exterior elevations, significant architectural details, and/or detailing existing conditions supporting claim of conditions
5. List and copies of appropriate references and documents consulted to determine age and historical significance of structure.
6. For Partial Demolitions: Plans and Drawings of existing areas to be demolished and final elevations of completed project.

The application shall not be considered complete until the all the above requirements and information are provided and submitted with this application.

Jim Maff
(Signature of Applicant/Representative)

11/4/21 (Date)

For Committee and Staff Only

Date(s) of Hearing or Determination: _____

Approved Denied Continued Withdrawn without Prejudice

Comments/Conditions: _____

Board Chair Signature

Date

BUILDING DEPARTMENT • 732 Main Street, Harwich, MA 02645



ph: 508-430-7506 fax: 508-430-4703

January 21, 2022

Cherie Myatt Brazis
83 Lazell Street
Hingham, Ma. 02043

Re: 53 Freeman Street, Harwich port Ma.
Assessors Map 23, Parcel R1: RL Zoning District

Dear Ms. Brazis:

Please be informed we must deny your building permit application for a demo and new construction at the subject property.

This project is being denied based on information provided by you including a Site Plan and zoning compliance table by Tuttle Land Surveying, LLC., dated October 16, 2021 and construction drawings A1-A6 dated 10/22/2021 by Aprea Design Inc. Your proposal as submitted is not conforming to the following sections of the Harwich Zoning By-Law.

§ 325: Table 2, Area Regulations. The proposed new construction does not meet the setback requirements for the Zoning District.

§ 325: Table 3, Height and Bulk Regulations. The proposed new construction does not meet the site coverage requirements for the Zoning District

A Special Permit is required from the Zoning Board of Appeals pursuant to §325-54A (2) in order to proceed with this project, which is located in the RL District. Also pursuant to §325-52 a Variance is required for a maximum site coverage increase from 29.0% (existing) to 38.9% (proposed). In accordance with the provisions of the Zoning By-Law, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

Respectfully,
Robert Piccirilli

Building Official

February 1, 2022

To Whom It May Concern:

On behalf of Michael and Cherie Myatt, please find supporting documentation for our application to the Zoning board of appeals. We are seeking review and consideration for a special permit and approvals for renovations to an existing house we purchased (53 Freeman Street, Harwichport). The home we purchased is desperate need of repairs and it was advised by our contractor and architect that it would be best to build a new structure.

The existing house at 53 Freeman Street is what we call a pre-existing, non-conforming (PENC) single family dwelling and it does not comply with the current required setbacks. The proposal to raze and replace that PENC house has plans with the new structure being less non-conforming, but still non-conforming.

We did go through approvals and a hearing for historic approvals and we did get approved on that process.

Attached in this packet is as follows:

1. Letter
2. Original Application
3. Certified plot plan
 - a. Layout of existing structure with new overlay of new plans for visual
4. Construction plans drawn to scale
5. Certified abutters list.

We thank you for your time and consideration.

Kind regards,

Cherie Myatt-Brazis