



TOWN OF HARWICH  
732 Main Street, Harwich, Massachusetts 02645

Clancy 2B 2022-17  
Case #  
OK # 0259, #315

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 of this 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:

- (X) Appeal from decision of or refusal of permit application by the Building Inspector, Selectmen or Planning Board or other administrative officer or officers.
- (X) Application for a Variance from requirements of the Harwich Zoning By-Law.
- (X) 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:

37 Wyndemere Bluffs Rd. Said property is further described on Assessor's Map # 63-E1-38-0 and Parcel # EH-2 located in the EH-2 Zoning District as shown on the attached plan.

Describe Petition/Appeal: see attached

Relief requested - Cite specific Bylaw Section(s): see correspondence attached from Bldg. Commission

Signature of Owner (or Agent) Maureen B. Clancy Date 2/21/22  
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Maureen Baxter Clancy Phone No. 508-432-1643  
Living Trust

Mailing Address: 121 Magnolia Drive Westwood MA

Agent Name: William D. Crowell Phone No. 508-432-1643

Mailing Address: 466 Main St. P.O. Box 185 Harwich Port MA

Has a petition previously been submitted for this property (Y/N) 2013-06 + 2014-04

If yes, the date of original hearing 9/19/12 + 8/28/13 Petition No. 1

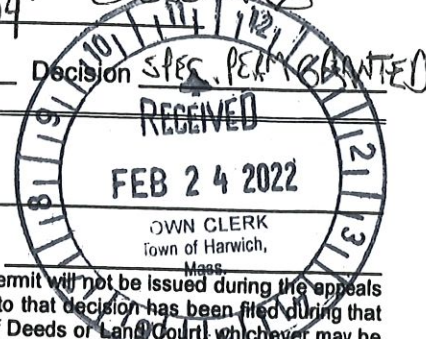
For Appeal Only:

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.



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 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 this 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 MGL and the Harwich Zoning Bylaws.**
- ✓ **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.**



**APPLICATION CHECKLIST ADDENDUM**

This Addendum must be completed in full by the Applicant and is a part of the Application.

Name of Applicant: Maureen B. Clancy Trust of the Maureen Baxter Clancy Living Trust  
 Address of Property: 37 Wyndemere Bluffs Rd.  
 Zoning District: RH-2

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

If Yes, specify District(s): \_\_\_\_\_

Year Structure(s) Built: 2013

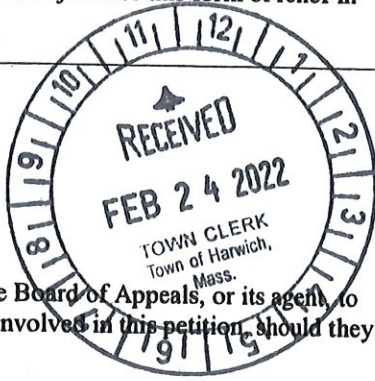
Name/Address of Engineer/Architect: UNK

Name/Address of Attorney: William D. Crowell Esq  
466 Main St, P.O. Box 185, Harwich Port MA 02646

	Required by Bylaw	Existing	Proposed
Lot Area	40,000	4,360	4,360
Frontage	150	44/60	44/60
Front Yard Setback	25	13.3/37.5	13.3/27.5
Side yard Setback	20	7.4/11.6	7.4/11.6
2 <sup>nd</sup> Side Yard Setback	20	"	"
Rear Yard Setback	20	N/A	N/A
Building Coverage	30%	22.3%	27.6%
Site Coverage	35%	48.1%	48.1%
Building Height	<30'	<30'	<30'
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>			
A. Net Floor Area of the Principal Dwelling			
B. Net Floor Area of the proposed Accessory Apartment			

Form of Relief Requested: Special permit

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:

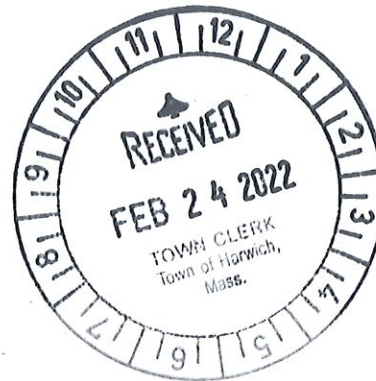


By signing and submitting this Application, you hereby authorize the members of the Board of Appeals, or its agent, to conduct a site visit of the exterior of your property for an inspection of the property involved in this petition, should they deem it appropriate.

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.

Applicant's Signature:  Date: 3/21/22

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Sally at William D. Crowell**

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**From:** Maureen Clancy [mclancy29@gmail.com]  
**Sent:** Monday, February 14, 2022 11:29 AM  
**To:** wcrowell.office1@comcast.net  
**Subject:** 37 Wyndemere Bluffs Rd.

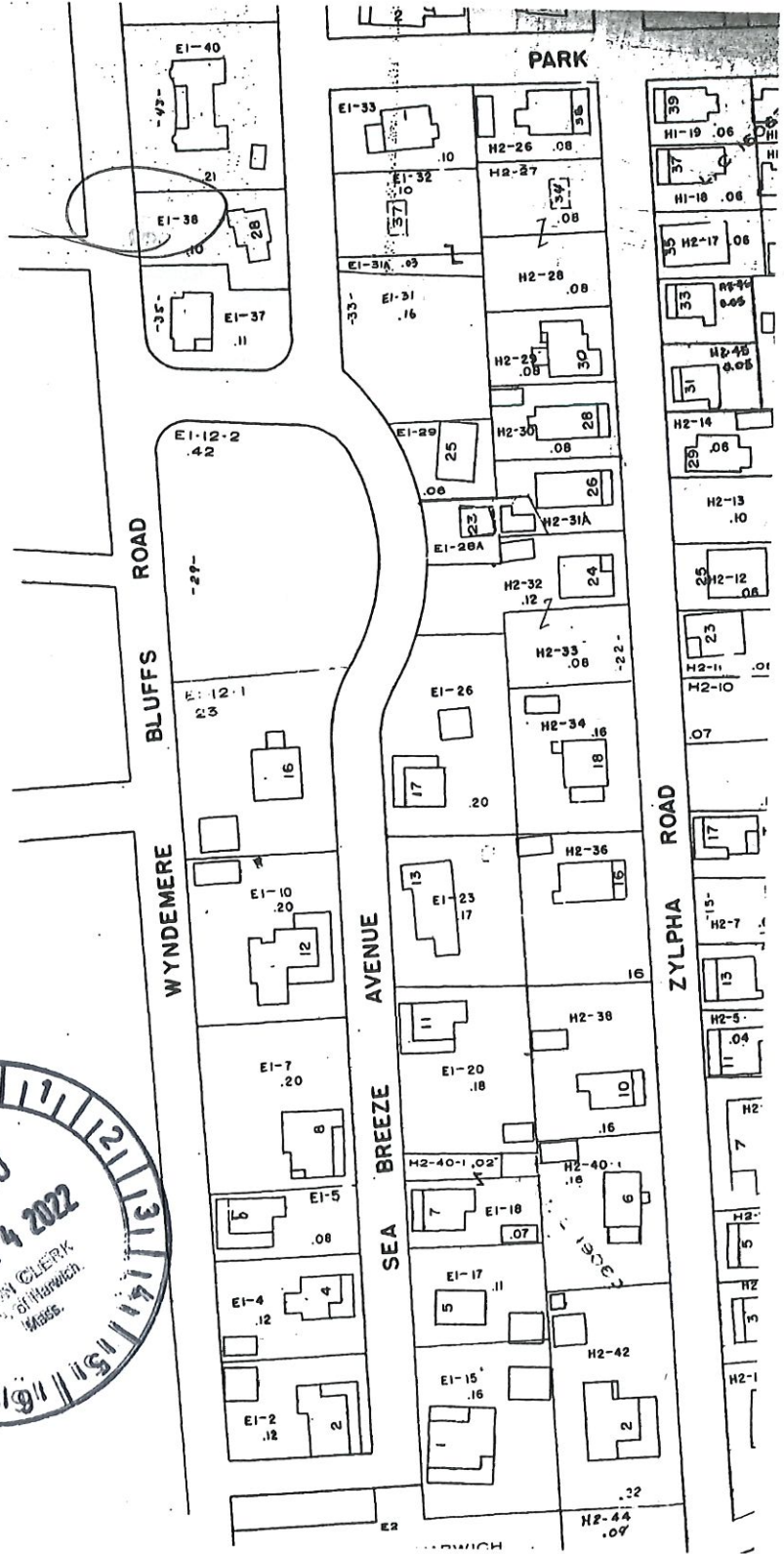
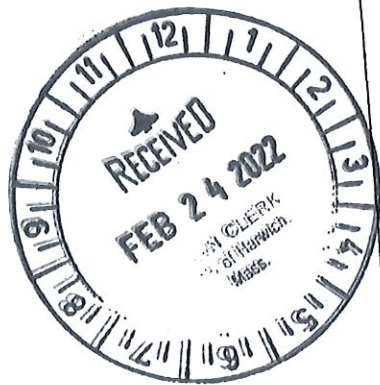
**I, Maureen B. Clancy, Trustee of the Maureen Baxter Clancy Living Trust, and owner of 37 Wyndemere Bluffs Road authorize William D. Crowell, Esq. to represent me before the Town of Harwich Board of Appeals.**

**Thank you,**

**Maureen B. Clancy, Trustee**



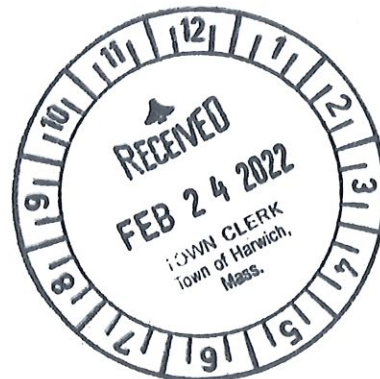
SHEET 6



The Petitioner seeks a Special Permit to extend the pre-existing, non-conforming single-family residence by constructing a porch on the Sea Breeze Avenue, Easterly side of the premises as shown on the Proposed Conditions Plot Plan by Moran Engineering dated July 19, 2021 and the Building and Elevation Plans by TPC Architecture and Planning dated November 1, 2021. There will be no change in the side setbacks or the setback from Wyndemere Bluff Road and the setback from Sea Breeze Avenue will be 27.5 feet which is conforming to the required 25 foot setback. The building coverage will increase somewhat to 27.6% but still less than the maximum of 30%. The site coverage is non-conforming at 48.1% and will not change since the proposed porch will be on the same footprint as the existing patio as shown on said plan.

Since the proposed porch addition will increase the structure and habitable space within both non-conforming setbacks such will constitute an intensification of said pre-existing, non-conformities. However, this Board may grant a Special Permit to allow for said porch addition 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 addition.



**BUILDING DEPARTMENT • 732 Main Street, Harwich, MA 02645**

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



January 13, 2022

Maureen B. Clancy, Trustee  
Maureen Baxter Clancy Living Trust  
121 Magnolia Dr.  
Westwood, MA 02090

Re: 37 Wyndemere Bluffs Rd.  
Assessors Map 6B, Parcel E1-38  
RH-2 Zoning District

Dear Ms. Clancy,

Please be informed we must deny your building permit application to construct an addition at the subject property.

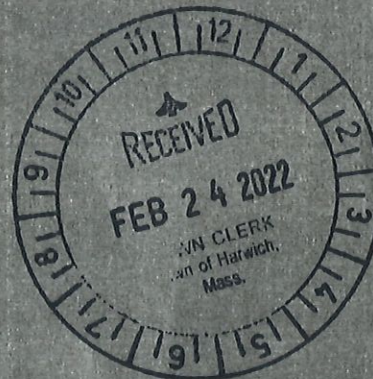
This project is being denied based on information provided by you including building plans/elevation drawings by TPC Architecture & Planning dated 11/1/2021 and a Site Plan by Moran Engineering, Inc. dated 7/19/21. Your proposal as submitted is not conforming to the following section of the Harwich Zoning By-Law; §325-54 Non-Conforming Uses & Structures.

Relief is required from the Zoning Board of Appeals in accordance with §325-54 (A)(2) in order to proceed with this project.

Respectfully,

Robert Piccirilli  
Building Official

Cc: File  
Dan Speakman



[www.harwich-ma.gov](http://www.harwich-ma.gov)