



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

Notice of Appeal/Application and Petition for Public Hearing, ("APPLICATION")

2B 2022-18
Case #
Three Harbors
OK # 1073, \$315

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:

- 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:

16 Bank Street

Said property is further described on

Assessor's Map # 7-F2-0 and Parcel # PH-1 located in the PH-1 Zoning District as shown on the attached plan.

Describe Petition/Appeal: see attached

Relief requested - Cite specific Bylaw Section(s): see attached correspondence of Building Commissioner

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

Owner Name 16 Bank, LLC Phone No. 508-432-1643

Mailing Address: 16 Bank Street, Harwich Port

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

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

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

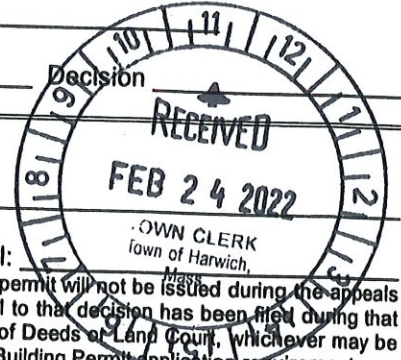
If yes, the date of original hearing _____ Petition No. _____

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):

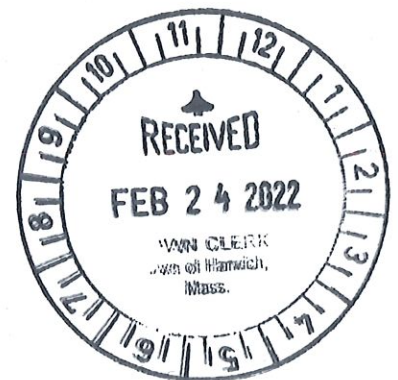
- ✓ **The original Application (additional stamped copies can be provided at a nominal fee):**
 - Signed by the owner or agent.
 - If signed by an agent, a letter of authorization signed by the owner must also be included.

- ✓ **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: 16 Bank, LLC
 Address of Property: 16 Bank Street
 Zoning District: RH-1

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: 1950

Name/Address of Engineer/Architect: UNK

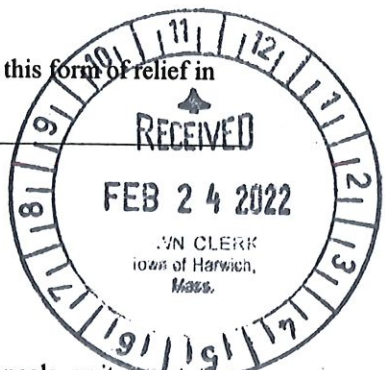
Name/Address of Attorney: William D. Crowell Esq. MA
466 Main St, PO Box 185 Harwich Port MA 02646

	Required by Bylaw	Existing	Proposed
Lot Area	40,000	43,048	43,048
Frontage	150	792±	792±
Front Yard Setback	25		
Side yard Setback	20		
2 nd Side Yard Setback	20		
Rear Yard Setback	20		
Building Coverage	30%		
Site Coverage	35%		
Building Height	<30'		
If this is an Application for an Accessory Apartment, in addition to the above:			
A. Net Floor Area of the Principal Dwelling			
B. Net Floor Area of the proposed Accessory Apartment			

} SEE NARRATIVE

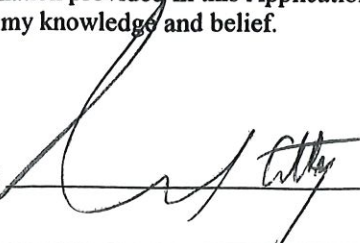
Form of Relief Requested: Special permit

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: 2/21/22
Owner's Signature: _____ Date: _____



February 7, 2022

William Crowell, Atty
466 Route 28
Harwich Port, MA 02646

Subject: 16 Bank Street, LLC (Property Owner)
Three Harbors Group, Inc. d/b/a Inn on the Beach (Business Operation)
16 Bank Street, Harwich Port, MA 02646
Assessors Map 7, Parcel F2

Dear Attorney Crowell,

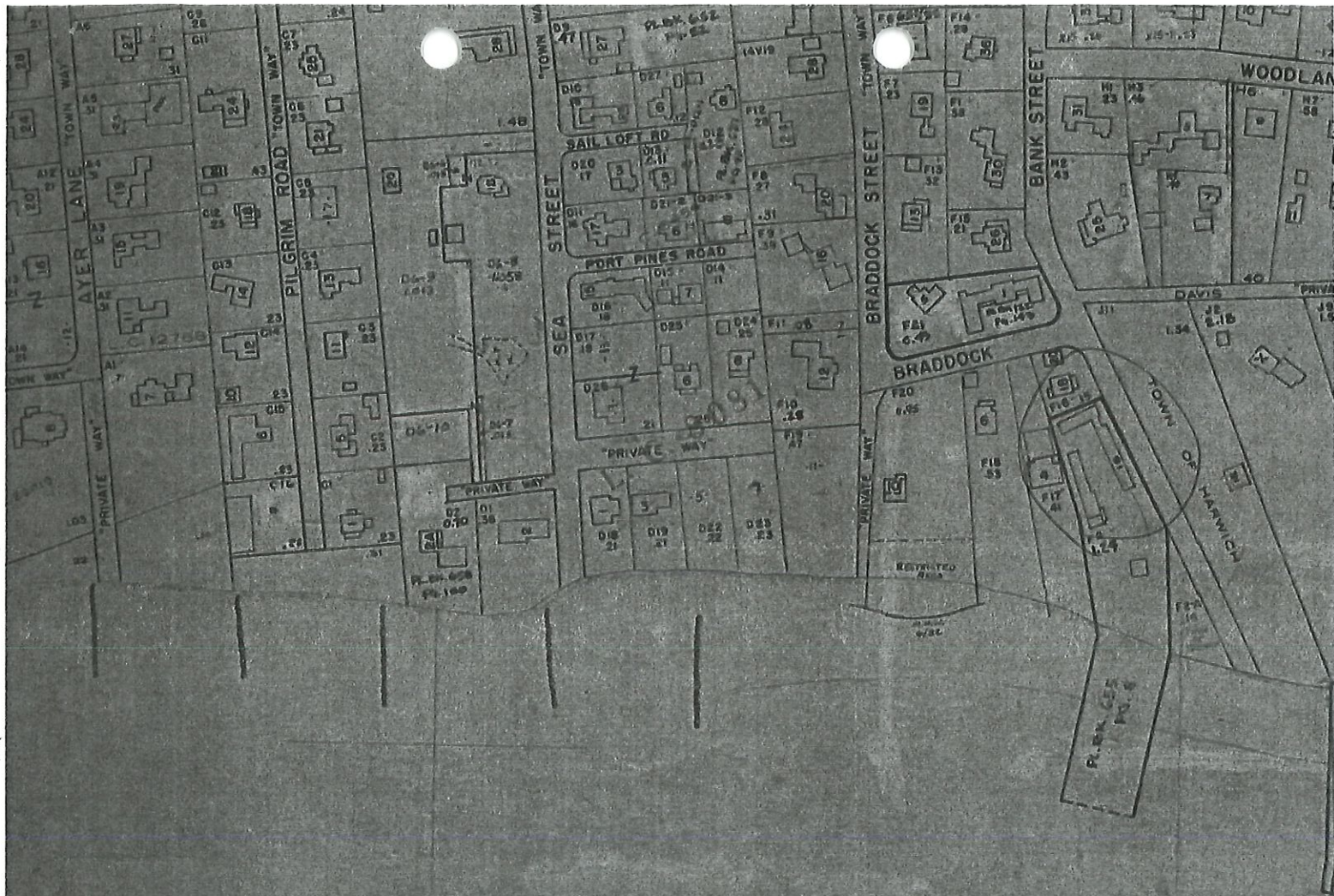
This letter authorizes you to apply for a Special Permit and represent the interests of 16 Bank LLC before the Town of Harwich Zoning Board of Appeals with respect to our request to sub-divide the existing Innkeeper's suite.

Sincerely,



Peter McAree, Manager





NANTUCKET

SOUND



989,000

210,000

HARWICH ASSESSOR

The Petitioner seeks to divide the Innkeeper's Suite to create an additional rental unit at the subject property as per the drawings dated February 21, 2022 submitted herewith and the Septic Site Plan by Moran Engineering dated September 9, 1991. The only changes to the existing structure/unit will be to add two exterior doors as shown on said Plan. The new rental unit actually existed prior to 2016 at which time it was merged with the Innkeeper's Suite to add a living room. However, such has become unnecessary and it is more imperative to the financial success of the Inn to re-create the rental unit for additional income.

The Inn constitutes a lawfully pre-existing structure and use which may be changed or extended by Special Permit from this Board pursuant to Section 325-54 Sub-Paragraph B., upon a finding that said extension or change will not constitute a substantial detriment to the neighborhood nor cause any undue nuisance, hazard or congestion, and will be used for the same use i.e. an Inn with rental units.

In the alternative, the Petitioner requests a Variance for the aforementioned change/extension.

Finally, the Petitioner acknowledges that ordinarily a Certified Plot Plan is required by this Board but requests that the Board waive the same in this instance since the proposed change to the structure is very minimal and does not affect the footprint, site coverage, building coverage, etc., whereas a Certified Plot Plan of the entire structure on the site would be very expensive and seemingly unnecessary.



BUILDING DEPARTMENT • 732 Main Street, Harwich, MA 02645

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



January 5, 2022

16 Bank Street, LLC
The Inn on the Beach
ATT: Peter McAree
16 Bank St.
Harwich Port, MA 02646

Re: 16 Bank Street
Assessors Map 7, Parcel F2
RH1 Zoning District

Dear Mr. McAree,

Please be informed we must deny your building permit application to subdivide an innkeeper's suite to create a new rental unit at subject property.

This project is being denied based on information provided by you including drawings included with the application and a Septic Site Plan by Moran Engineering, Inc. dated 9/9/91. Your proposal as submitted is not conforming to the following section of the Harwich Zoning By-Law; §325-54 Non-Conforming Uses & Structures, B. Non-conforming Uses, 1.) Special Permit to change, alter, etc.

The proposed conversion of space into an additional rental unit is a change, extension or alteration of non-conforming structure or use that requires a Special Permit.

Relief is required from the Zoning Board of Appeals in accordance with §325-51 Special Permits in order to proceed with this project.

Respectfully,

Tom Wingard
Building Commissioner

Cc: File

