



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

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

RECEIVED
TOWN CLERK
HARWICH, MA

This Application *does not* apply to Comprehensive Permits. 2022 APR 19 A 11:49

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.
- (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:

129 Route 137 (East Harwich) Said property is further described on

Assessor's Map #87 and Parcel # U3-67-0 located in the C-H-2 and WR 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) [Signature] Date 4/19/2022
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name The Cape Cod Five Cent Savings Bank Phone No. 508-398-2221

Mailing Address: c/o Law Office of Singer & Singer, LLC - P.O. Box 67, 26 Upper County Rd., Dennisport, MA 02639

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

Mailing Address: Law Office of Singer & Singer, LLC - P.O. Box 67, 26 Upper County Rd., Dennisport, MA 02639

Has a petition previously been submitted for this property (Y/N) No

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.

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.**

Name of Applicant: The Cape Cod Five Cent Savings Bank

Address of Property: 129 Route 137, East Harwich

Zoning District: C-H-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 X No

If Yes, specify District(s): WR

Year Structure(s) Built: 1993

Name/Address of Engineer/Architect: Coastal Engineering - 260 Carnberry Hwy, Orleans, MA -- Brian Weiner

Name/Address of Attorney: Andrew L. Singer, Esq. Law Office of Singer & Singere, LLC

Subject	Existing	Required	Proposed
Lot Area (square feet)	63,619+/- SF	50,000 SF	No change
Frontage (linear feet)	479 FT	150 FT	No change
Front Yard Setback (feet)	95.5+/- FT	50 FT	No change
Side yard Setback (feet)	119.2+/- FT	25 FT	No change
Rear Yard Setback (feet)	27.3+/- FT	25 FT	No change
Any Yard Setback - Specify which:			No change
Building Coverage (%)	5% (3,227+/- SF)	30%	No change
Site Coverage (%) (see 325-2)	41%(25,855+/- SF)	70% (40% WR)	44% (28,023+/- SF)
Building Height (see 325-2 & 325-108)*	25.4+/-	2.5 Story or 30 FT	No change
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			
* Building height calculation(s) must be shown on plan for all zones per the Harwich Zoning By-laws Section 325-2. See Article XVII - Floodplain Regulations Section 325-108.			

Form of Relief Requested: See attached Narrative

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: See attached Narrative

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: Andi L. Singer Date: 4/19/22

Owner's Signature: The Cape Cod Five Cents Date: 4/19/22
Sally Bat
By: Andi L. Singer

**Town of Harwich
Zoning Board of Appeals**

Business Name: The Cape Cod Five Cents Savings Bank

Property Address: 129 Route 137, East Harwich, MA

Project Description/Relief Requested

The Petitioner is requesting a special permit or in the alternative a variance in accordance with Sections 325-54 and 325-52 of the Harwich Zoning By-Law and M.G.L. Chapter 40A, Sections 6 and 10, in order to change, extend, and alter a pre-existing nonconforming site condition (site coverage in the WR District – Table 3) to reconfigure the drive thru/ATM lanes, including adding a new third lane access around the building to resolve a current crowded traffic pattern and improve circulation, as well as relocate and improve an existing ADA parking stall to a new location.

There are no changes proposed to the building, to the number of parking spaces, nor to the use on the site. Drainage will be further enhanced. The Property is located in the GC-2 Zoning District and the WR Overlay District. Maximum site coverage is 70% in the CH-2 Zone and 40% in the WR District. Existing site coverage is 41% and is pre-existing nonconforming in the WR District (but not CH-2 District). Existing site coverage is pre-existing nonconforming for the WR District in part because there is a paved easement driveway crossing the northeast corner of the Property that benefits the adjacent shopping plaza buildings. The proposed site coverage with the site circulation and handicap parking improvements will be 44%, thereby increasing the pre-existing nonconforming WR District site coverage by less than 10%.