



TOWN OF HARWICH

732 Main Street, Harwich, Massachusetts 02645

RECEIVED TOWN CLERK

ZONING BOARD OF APPEALS

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

2022 APR 20 11:10

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.
(X) 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:

82 Clearwater Drive

Said property is further described on

Assessor's Map # 73 Parcel # P-94, P-95 located in the R-R Zoning District as shown on the attached plan.

Describe Petition/Appeal- Location of a proposed shed Relief requested - Cite specific Bylaw Section(s): 3257 A. (2) Location of a shed within the 25'0" setback from a "way"

Signature of Owner (or Agent) Michael Kenny Date 3/25/22 (Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Christina Hagopian and Paul Angelini Phone No. 917-657-6508

Mailing Address: 97 Clearwater Drive, Harwich, MA 02645

Agent Name: Michael Kenny Phone No. 978-697-6523

Mailing Address: PO Box 384, Cataumet, MA 02534

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: Christina Hagopian and Paul Angelini

Address of Property: 82 Clearwater Drive

Zoning District: RR

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 X\_\_\_\_\_

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

Year Structure(s) Built: None

Name/Address of Engineer/Architect: BSC Group 349 West Main Street, West Yarmouth, MA 02673

Name/Address of Attorney: None


Subject	Existing	Required	Proposed
Lot Area (square feet)	21,634	40,000	21,634
Frontage (linear feet)	373+/-	150	373+/-
Front Yard Setback (feet)	0	25	25.3
Side yard Setback (feet)	0	10	13.4
Rear Yard Setback (feet)	0	10	90.0
Any Yard Setback - Specify which: WEST	0	25	10.5 (RELIEF)
Building Coverage (%)	0	15	13.3
Site Coverage (%) (see 325-2)	0	25	22.9
Building Height (see 325-2 & 325-108)*	0	30	29.1
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>	DNA		
A. Net Floor Area of the Principal Dwelling	DNA		
B. Net Floor Area of the proposed Accessory Apartment	DNA		
* 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: Sideline setback for a shed


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: At the request of the Conservation Commission, relocation of the shed out of the NHESP.

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.

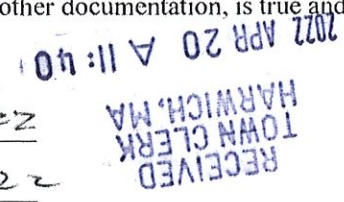
The Board of Appeals is entitled to rely on the information contained in this Application. Therefore, the undersigned certifies that the information provided in this Application, and all submitted plans and other documentation, is true and accurate to the best of my knowledge and belief.

Agent's Signature: 

Date: 3/30/22

Owner's Signature: 

Date: 3/30/22



**Christina Hagopian and Paul Angelini**  
**97 Clearwater Drive**  
**Harwich, MA. 02645**

March 25, 2022

Christina and Paul entered into an agreement to buy this property and closed on the purchase in December 2021.

They worked with BSC to develop a plan for a new house and a "shed."  
The lot is located in Zoning District RR.  
The lot has an "Unimproved Way" on the left side.  
It is not paved.

The original shed location (which conformed to the Zoning setbacks) fell within the NHESP (Natural Heritage and Endangered Species Program) zone.  
The Conservation Commission asked us to move the shed out of the NHESP zone and request a variance from the ZBA on the Commission's behalf to do so.

The new proposed location is 11'0" from the sideline but falls within the setback from the "Unimproved Way."

Bylaw Section

3257 A. (2)

Location of a shed within the 25'0" setback from a "way"

It would not interfere with any "emergency use" of the way.

The Conservation Site Plan states-

"The proposed workshop does not comply with the zoning setbacks.

A zoning variance is needed.

If a zoning variance is not granted, then the proposed workshop will be re-positioned to comply with the current requirements."

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HARWICH, MA

2022 APR 20 A 11:40

Christina Hagopian and Paul Angelini  
97 Clearwater Drive  
Harwich, MA. 02645

March 25, 2022

Regarding the construction of a new home on 82 Clearwater Road:

Michael Kenny  
978-697-6523  
[mjkbuilder@gmail.com](mailto:mjkbuilder@gmail.com)  
Box 384  
Cataumet, MA 02534

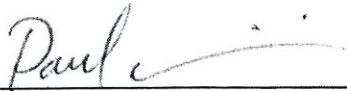
is authorized to act as agent for us, for any and all issues relating to the construction of a single-family home, including but not limited to:

Building permits  
Septic permits  
Water service  
Zoning issues.

Please free to contact us at  
917-657-6508 or  
[c@hagopianink.com](mailto:c@hagopianink.com).



Christina Hagopian



Paul Angelini

