



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

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

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2022 JUN 23 P 12:11

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:

22 Ocean Avenue Said property is further described on Assessor's Map # LB-110-0 and Parcel # 0 located in the R-H-2 Zoning District as shown on the attached plan.

Describe Petition/Appeal: See attached

Relief requested - Cite specific Bylaw Section(s): See attached correspondence from Building Commissioner

Signature of Owner (or Agent) [Signature] Date 6/23/22
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name 22 Ocean Avenue LLC Phone No. 508-432-1643

Mailing Address: 10 North Street, Hopkinton MA 01748

Agent Name: William D. Crowell, Esq. Phone No. 508-432-1643
466 Main St., Box 185

Mailing Address: Harwich Port, MA 02646

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

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 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):

- X **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.

- X **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.**

- X **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

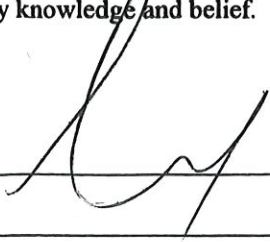
X **Certified Abutters List**

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

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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: _____

6/23/22

Owner's Signature: _____

Date: _____

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Sally@wcrowell.office1@comcast.net

From: Sarah Harvey <sarah.harvey@comcast.net>
Sent: Wednesday, June 22, 2022 8:05 PM
To: wcrowell.office1@comcast.net
Subject: Authorization email

I, Sarah Harvey, Manager of 22 Ocean Avenue, LLC and owner of the property at 22 Ocean Avenue, Harwich Port, hereby authorize William D. Crowell, Esq. to represent me before the Town of Harwich Zoning Board of Appeals regarding the same.

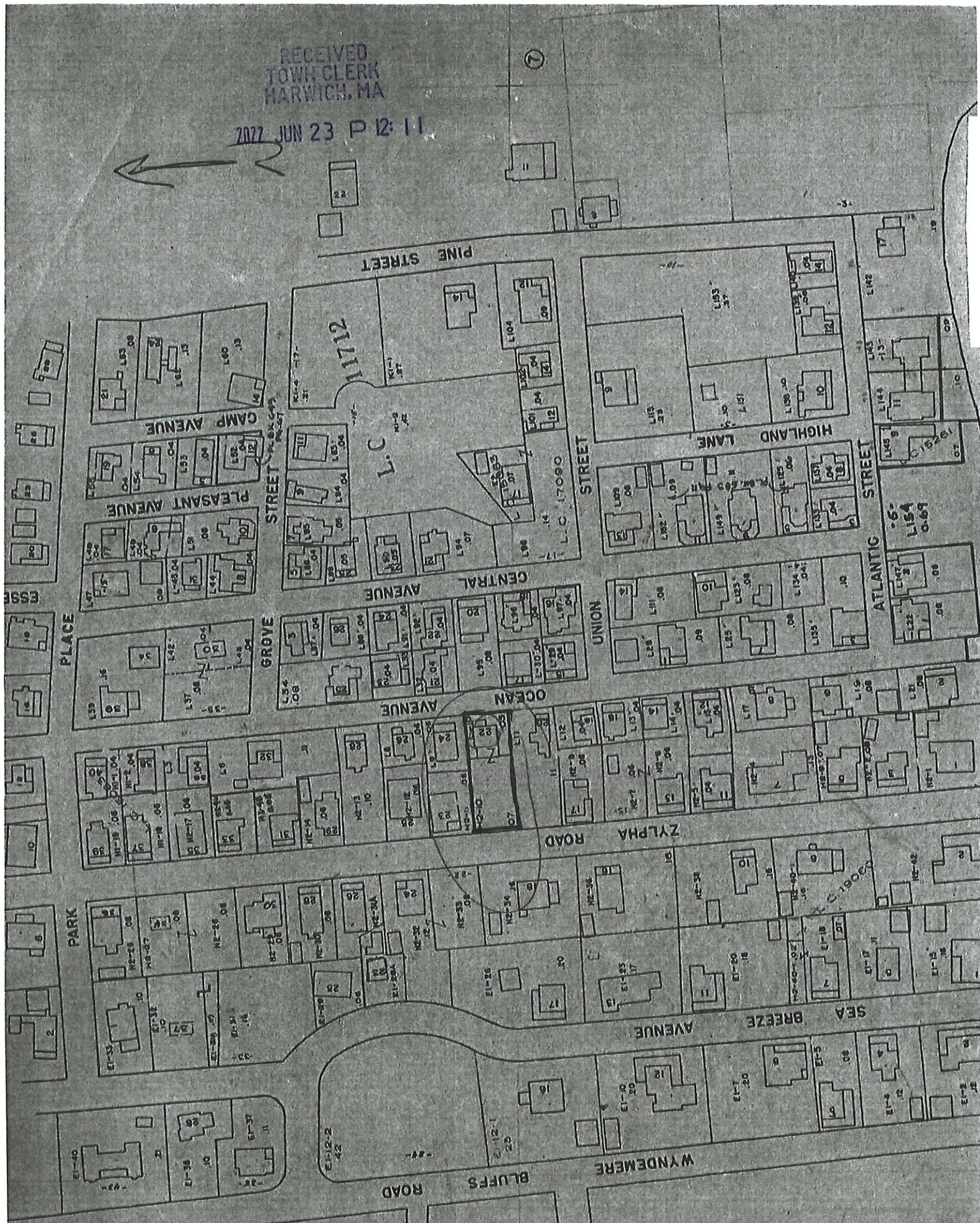
Thank you,

Sarah Harvey, Manager of 22 Ocean Avenue, LLC

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22 Ocean Avenue, LLC (Harvey) – 22 Ocean Avenue

The Petitioner seeks a Special Permit to demolish and replace the pre-existing, non-conforming single-family residence as per the Existing/Proposed Conditions Plan by Paul E Sweetser dated June 1, 2022 and the Building and Elevation Plans by Coastline Design dated May 20, 2022 (three pages). The recently installed new foundation will remain.

The existing dwelling is non-conforming on the north side at 4.58 feet which will remain the same for the new dwelling. The southerly setback is non-conforming at 13.42 feet and will come closer at 6.79 feet. The setback from Ocean Avenue is presently nonconforming at 4.05 feet and will come slightly closer at 3.74 feet for the porch. The westerly setback from Zylpha Road is presently conforming and will remain conforming. Similarly, building coverage and site coverage is presently conforming and will remain conforming i.e. building coverage (30% max) will be 28.44% and site coverage (35% max) will be 29.74%.

In accordance with the findings of the Gale Case existing nonconformities may be intensified upon a finding by this Board that the same will not constitute a substantial detriment to the entire neighborhood. It is hereby submitted that although the expanded dwelling will come closer to the southerly lot line there will remain a significant rear yard area and the new dwelling will improve property values in the surrounding neighborhood.

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

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