

**Lecia McKenna**

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**From:** Contact form at harwichma <cmsmailer@civicplus.com>  
**Sent:** Wednesday, July 13, 2022 1:09 PM  
**To:** Lecia McKenna  
**Subject:** [harwichma] Case No. 2022-26 Ocean Ave LLC (Sent by Peter and Susan Cholakis, peter.cholakis@verizon.net)

Hello lmckenna,

Peter and Susan Cholakis ([peter.cholakis@verizon.net](mailto:peter.cholakis@verizon.net)) has sent you a message via your contact form (<https://www.harwich-ma.gov/user/3526/contact>) at harwichma.

If you don't want to receive such e-mails, you can change your settings at <https://www.harwich-ma.gov/user/3526/edit>.

Message:

To: Town of Harwich, Zoning Board of Appeals

From: Peter and Susan Cholakis

We received notice of Case No. 2022-26 Ocean Ave LLC and state our objection to any plans that increase the footprint of the current dwelling. The neighborhood is compact and densely developed in terms of house locations. Any allowance for homes larger than the existing footprint would be inconsistent with both prior practice and reasonable planning. Should building a new home, with the same footprint, improve current conditions, and/or relocation of the same on the land parcel be an acceptable option to the new homeowners, we would have no objection.

Sincerely,  
Peter and Susan Cholakis  
16 Central Ave.  
Harwich Port, MA 02646

July 18, 2022

Town of Harwich Zoning Board of Appeals  
732 Main Street  
Harwich, MA 02645  
Attn: David Ryer, Chair

Honorable Board members:

My name is Robert D. O'Neil Jr. and I am the Trustee of the Kelly A. O'Neil Supplemental Special Needs Trust, which owns the property at 20 Ocean Ave Harwichport MA. The property has been owned by my family since 1953. I am writing in response to the proposed building modifications to 22 Ocean Ave Harwichport MA, which directly abuts Kelly's property. This proposal is on the agenda to be heard before the Board at a meeting on July 27, 2022 (Case #2022-26). I recently received notification that the new owner of 22 Ocean Ave is seeking relief to demolish and expand the existing dwelling. I have reviewed the materials submitted for the Board's consideration and have a number of concerns which I would like to express. As we all know, the properties in the "campground" are very close together on small lots and all of the buildings are in nonconformance with current zoning requirements. The proposed changes to 22 Ocean Ave are predominantly directed towards Kelly's property and will have a significant impact to her.

First and foremost, I believe the boundary survey submitted to the Board incorrectly delineates the boundary lines as well as the location of the existing building. As a result of this, the requested reliefs are incorrect. I believe the existing building is significantly closer to the common boundary line of the two properties than shown on the submitted plan. The narrative submitted with the application, states that the current southerly side setback is 13.42 feet with new building being moved 6.63 feet resulting in a new offset of 6.79 feet. However, our survey indicates that the building is actually 11.47 feet and by moving the building 6.63 feet, the resulting offset will become 4.84 feet (not the 6.79 feet indicated). This is a 63% reduction in the current offset. This is based on my review of plans and deeds and an instrument location survey, which recovered property markers from a 1954 survey performed by S.R. Sweetser and reconciled with other monumentation within the neighborhood. A copy of this survey is provided with this letter.

Secondly, the relocation of the existing building and subsequent relocation of the driveway, as proposed, would impact the privacy that Kelly currently enjoys. As described above, the building will be less than 5 feet off the lot line. Currently the houses are separated by driveways, which provides some buffer, which is helpful since the lots are only 40 feet wide. The proposal eliminates this driveway and the new building adds a number of windows along this boundary line. The driveway relocation results in vehicles now entering by the rear of the properties by means of Zylpha Rd. This has the potential for headlights to illuminate the rear of the house, which is the only private living area that Kelly occupies. I see no landscape plan, privacy screening (fence or plantings) or lighting plan in the proposal as submitted. A typical lighting plan would detail the dissipation of light from the building or any vehicles entering into the proposed driveway area. A typical landscape buffer is approx. 5 feet in width, which is not even feasible given the reduced offset.

Thirdly, no information has been provided regarding construction sequence/management. With a buffer of less than 5 feet, it would seem extremely difficult, if not impossible, for work to be performed without trespassing on Kelly's property during demolition and construction. This poses a significant risk that Kelly will now bear the hardship of encroachment, possible property damage, litter, and construction debris for the duration of the construction project.

I am not opposed to anyone improving their property and fully understand the desire to have modern conveniences, but this should not be at the detriment of Kelly or any of the other neighbors. In my capacity as Trustee of the Kelly A. Trust, it is my responsibility to protect her interest and I cannot support this proposal as presented. Based upon the information provided and lack of any consideration towards the abutting properties, I am not in favor of the project and would ask that it be denied, as submitted.

Thank you for your consideration in this matter.

Sincerely,



Robert D. O'Neil Jr.


508-868-5144

ZYLPHA ROAD  
(PUBLIC - 30 FT. WIDE)  
TOWN LAY OUT- JANUARY 25, 1952  
N 4° 50' 04" W

LAND COURT  
BND. FOUND  
(ESTABLISHED - 1931)

**PROPERTY BOUNDARY RETRACE  
PLAN OF LAND  
IN  
HARWICHPORT, MA  
# 20 OCEAN AVENUE**

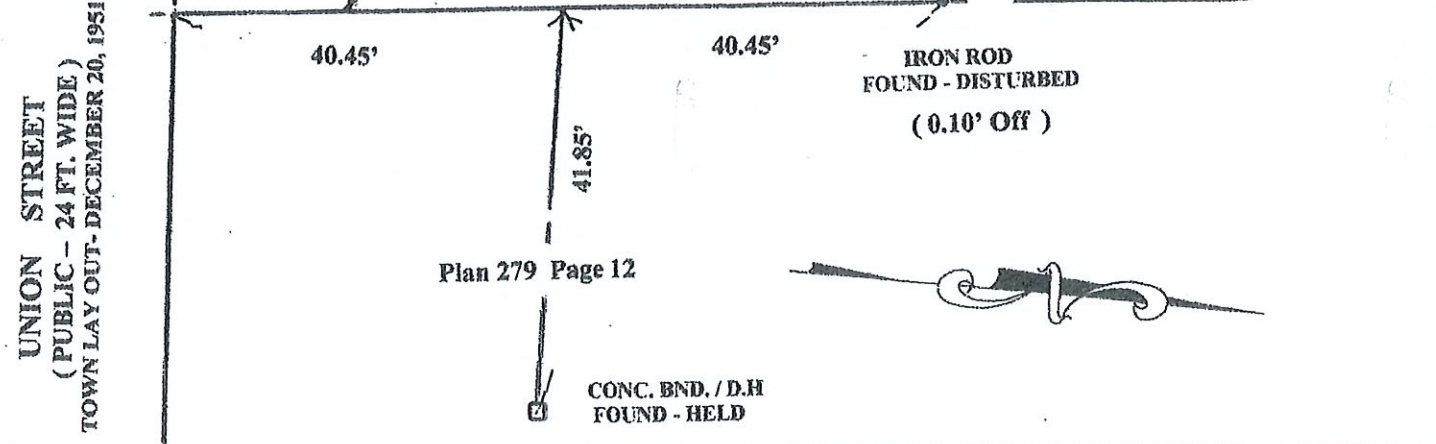
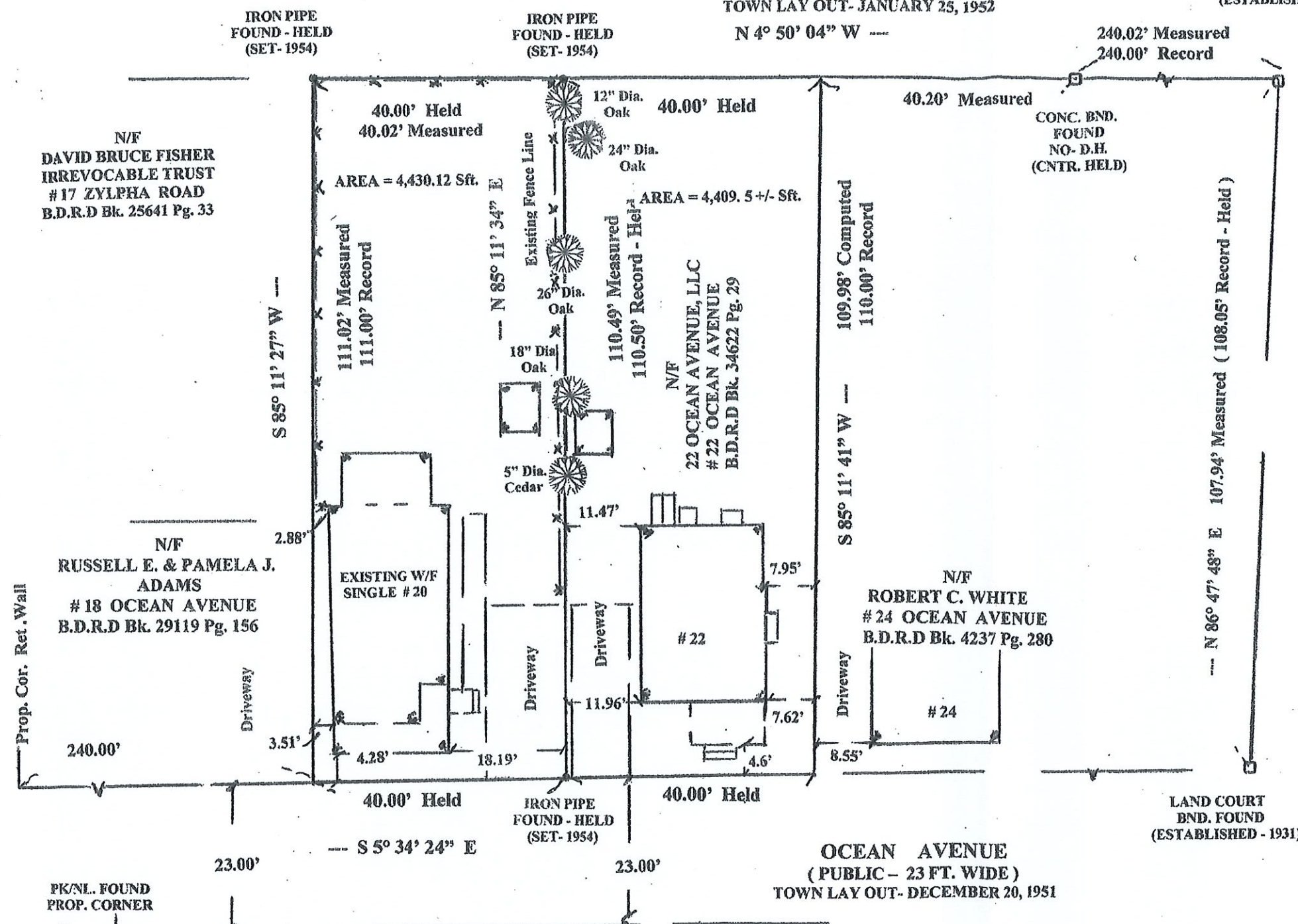
OWNED BY:  
**KELLY A. O'NEIL IRREVOCABLE  
SUPPLEMENTAL NEEDS TRUST**

DATE: JULY 15, 2022 SCALE: 1" = 20'  


- REFERENCES:**  
M.B.L.:  
B.D.R.D. Deed Book 864 Page 58  
B.D.R.D. Deed Book 1087 Page 49  
B.D.R.D. Deed Book 25043 Page 314  
B.D.R.D. Plan Book 3 Page 43  
B.D.R.D. Plan Book 3 Page 103  
B.D.R.D. Plan Book 23 Page 57  
B.D.R.D. Plan Book 33 Page 7  
B.D.R.D. Plan Book 102 Page 25  
B.D.R.D. Plan Book 279 Page 12  
B.D.R.D. Plan Book 627 Page 32  
B.D.R.D. Land Court Plan 15063- A

**ZONING CLASSIFICATION: R-H-2  
SINGLE FAMILY DETACHED DWELLING**

MINIMUM LOT AREA: 40,000.0 Sf.  
FRONTAGE: 150 Ft. / Dwelling Unit  
FRONT SETBACK: 25 Ft.  
SIDE SETBACK: 20 Ft.  
REAR SETBACK: 20 Ft.



**NOTE:** THIS PLAN IS THE RESULT OF AN INSTRUMENT LOCATION SURVEY PERFORMED ON OCTOBER 10, 2021; JULY 10, 2022 AND JULY 12, 2022. PROPERTY BOUNDARIES ORIGINALLY SHOWN AS LOT 9 IN PLAN BOOK 23 PAGE 57 DATED MAY 1908 & PLAN BOOK 3 PAGE 103 DATED OCTOBER 1915. ALSO LOT 11 IN PLAN BOOK 3 PAGE 43 & PLAN BOOK 33 PAGE 7 DATED DECEMBER 7, 1887.

*Robert D. O'Neil Jr.* 7-15-22  
**ROBERT D. O'NEIL Jr. RPLS** DATE  
66 DRURY LANE  
WORCESTER, MA 01609  
(508) 868-5144

