



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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HARWICH, MA  
2022 JUN 16 PM 12:02

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.
- 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:

24 GREEN NEEDLE LN.

Said property is further described on

Assessor's Map # 4 and Parcel # T2-13 located in the RH-1 Zoning District as shown on the attached plan.

Describe

Petition/Appeal: DEMOLISH AND REPLACE PREEXISTING NON-CONFORMING SINGLE FAM.

Relief requested - Cite specific Bylaw Section(s):

325-54.A.(5)

Signature of Owner (or Agent)

[Handwritten Signature]

Date

7/27/22

(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name

BRIANA TARANTO & MICHELLE TARANTO

Phone No.

Mailing Address:

3 DEXTER ROW, CHARLESTON, MA 02129

Agent Name:

JAMES HAGERTY

Phone No.

508-258-7069

Mailing Address:

PO Box 186 W. DENNIS MA 02670

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: BRIAN & MICHELLE TARANTO

Address of Property: 24 GREEN NEEDLE LN.

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: 1969

Name/Address of Engineer/Architect: JMOREILLY ASSOC 1573 MAINST BREWSTER

Name/Address of Attorney: N/A

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Subject	Existing	Required	Proposed
Lot Area (square feet)	10,670	40,000	10,670
Frontage (linear feet)	105.5	150	105.5
Front Yard Setback (feet)	26.0	25	26.0
Side yard Setback (feet)	L-15.3, R-20.7	20	L-15.3-R-20.7
Rear Yard Setback (feet)	38.6	20	33.5
Any Yard Setback - Specify which:			
Building Coverage (%)	15.2%	30%	21.1%
Site Coverage (%) (see 325-2)	28.6%	35%	32.9%
Building Height (see 325-2 & 325-108)*	18' 3"	30'	25'-2"
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>			
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: ADDITIONAL HABITABLE SPACE WITHIN SETBACK

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.

Agent's Signature: [Signature] Date: 7/27/22

Owner's Signature: SEE ATTACHED Date: \_\_\_\_\_



OWNER AUTHORIZATION FORM

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Statement of Ownership:

We, **Brian A. Taranto & Michelle V. Taranto**, as Owners of the subject property, hereby authorize **Reef Realty Ltd.** to act on our behalf, in all matters relative to work authorized by this building permit application for:

**24 Green Needle Lane  
West Harwich, MA  
Map: 4, Parcel: T2-13**

Name of Authorized Agent / Contractor: *Reef Realty Ltd.,  
dba REEF Builders  
Matthew K. Teague and  
James P. Hagerty  
24 School Street  
P.O. Box 186  
West Dennis, MA 02670*

Buyers Name: **Brian A. Taranto**

*Brian Taranto* \_\_\_\_\_ *7/26/22*  
Owners Signature Date

Buyers Name: **Michelle V. Taranto**

*Michelle Taranto* \_\_\_\_\_ *7.26.22*  
Owners signature Date

**TOWN OF HARWICH**  
*Building Department*  
732 Main Street  
Harwich, MA 02645



**Telephone: (508) 430-7506**

**Fax: (508) 430-4703**

**By First Class Mail**

August 4, 2022

Brian A Taranto &  
Michelle V Taranto  
3 Dexter Row, Unit 1  
Charlestown, MA 02120

cc. Reef Builders  
(via email)

Re: Zoning Relief Required  
Building Permit Application No. BLD-23-000160  
24 Green Needle Ln (Assessor's Map 4 Parcel T2-13)

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Dear Mr. & Mrs. Taranto:

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by John M. O'Reilly P.L.S., dated July 27, 2022 the following zoning relief is first required:

*Harwich Zoning Bylaw §325-54 Non-conforming structures/uses. (2) Requires B.O.A. Special Permit. (c): Continuation without increasing encroachment.*

Should you desire to proceed with the project, you must first apply for the foregoing relief; this letter shall serve as a referral to the Board for the same. Copies of the necessary zoning forms and applications are available in the offices of the Town's Building and Planning Departments.

In the meantime, your building permit application shall be deemed 'denied' and the period to review and issue such permit suspended until such time as you apply for and obtain the special permit; the special permit decision issues and is filed with the Town Clerk; the applicable appeal period elapses; and you provide the Building Department a copy of the special permit decision as recorded with the Barnstable Registry of Deeds or, as applicable, the Barnstable Registry District.

I also reserve the right, should you not expeditiously and continuously proceed with obtaining the required zoning relief or otherwise withdraw the building permit application, to deny the building permit application for incompleteness, or inconsistency with zoning, or both.

Further, be advised that, subject to obtaining the required permits and after construction, you will be required to submit a final as-built plan to the Building Department certifying that the



Brian A. Taranto & Michelle V. Taranto  
24 Green Needle Lane, West Harwich, MA

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## ZONING ANALYSIS

### **I. Introduction**

Brian and Michelle Taranto, current record title owners of the property located at 24 Green Needle Lane, West Harwich, MA, seek a Special Permit from the Harwich Zoning Board of Appeals pursuant to the provisions of M.G.L. c. 40A, §6 and Harwich Zoning Bylaw, Section 325-54.A.(5). The proposal involves the 80% demolition of a Single Family, two-bedroom home and the construction of a Single Family, four-bedroom home located on a pre-existing, non-conforming lot within the RH-1 Zoning District.

The lot is only 10,670 square feet and the minimum lot size requirement is 40,000 in the RH-1 district and the lot width is 105.5' where 150' is required in the RH-1 district. The lot was created by a plan of land dated January 8, 1934 and recorded in the Barnstable County Registry of Deeds in Land Registration, Certificate #225256. Mr. and Mrs. Taranto have owned this property since 2021.

The two-bedroom dwelling was located on the site at the time Mr. & Mrs. Taranto purchased the property and according to the Town of Harwich Assessors card, it was constructed in 1969. The proposal will serve to remove the roof and walls of the existing dwelling and construct a dwelling on the existing floor and foundation with a new bedroom addition to the west and garage extension to the east. Neither addition intensifies an existing non-conforming condition. The left side non-conforming setback from property line will remain as is. The new addition to the east will be within the building setback however will not intensify the existing non-conforming setback. The balance of the setbacks, building height, building coverage and site coverage are proposed to be in compliance with the current zoning regulations.

As more fully explained below, the proposal does not warrant a finding of substantially more detrimental to the neighborhood. We submit that the proposal will, in fact, enhance the neighborhood and will not detract from any of the qualities of the surrounding area.

Brian A. Taranto & Michelle V. Taranto  
24 Green Needle Lane, West Harwich, MA  
Zoning Analysis and Intensity Table  
July 27, 2022

**II. Intensity of Use schedule – Harwich Zoning ByLaw Section 325: Table 2**

**Required in the RH-1 Zoning District:**

Minimum lot size:	40,000 square feet
Maximum building coverage:	30%
Maximum Site coverage:	35%
Minimum frontage:	150 feet
Front yard setback:	25 feet
Side yard setback:	20 feet
Rear yard setback:	20 feet
Building Height:	30 feet from average existing natural grade

**Existing:**

Lot size:	10,670 square feet
Building coverage:	15.2%
Site Coverage:	28.6%
Frontage:	105.5 feet
Street yard setback:	26.0 feet
Right Side yard setback:	20.7 feet
Left Side yard setback:	15.3 feet
Rear yard setback:	38.6 feet
Building Height:	18.3 feet from average existing natural grade

**Proposed:**

Lot size:	10,670 square feet
Building coverage:	21.1%
Site Coverage:	32.9%
Frontage:	105.50 feet
Street yard setback:	26.1 feet
Right Side yard setback:	20.7 feet
Right Side yard setback:	13.5 feet to bulkhead
Left Side yard setback:	15.4 feet to new addition
Rear yard setback:	33.5 feet to new addition
Building Height:	25.1 feet from average existing natural grade

**III. Non-Conforming Conditions**

The proposal will serve to demolish 80% the existing dwelling and construct a new dwelling on the existing foundation and an addition to the west and one to the east. Neither addition intensifies an existing non-conforming condition.

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A Special Permit and Finding may be issued after determining whether a proposal is or is not substantially more detrimental to the neighborhood. The Board of Appeals is to consider the following criteria under section 325-54.A.(5) of the Bylaw:

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- a) The replacement of the structure will not be substantially more detrimental to the neighborhood than the existing structure  
**Single family dwellings make up the neighborhood, although larger than the existing 1969 home we believe the proposed structure will not be substantially more detrimental to the neighborhood**
  - b) The replacement of the structure will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning district or Town.  
**There will be no additional nuisance, hazards, or congestion in the neighborhood with a like for like replacement of the single-family home.**
  - c) The replacement structure will not increase any of the following existing nonconformances: building coverage, site coverage, or setback encroachment.  
**The proposal will not increase any non-conformities nor create a non-conformity where one does not currently exist.**
  - d) The replacement structure will reduce at least one of the following existing nonconformances: building coverage, site coverage, or setback encroachment.  
**The proposal will be using the existing foundation and not reduce the only existing non-conforming setback encroachment to the east. We propose to build on the existing foundation that is non-conforming.**
  - e) The replacement structure may not increase the habitable square footage of the structure by more than 25% over the habitable square footage of the existing structure over a ten-year period beginning on the date of the issuance of the special permit by the Board of Appeals.  
**The proposal will increase habitable square footage with the addition of the second floor, however we believe it will not be substantially more detrimental to the neighborhood.**



JUL 27 2022



TOWN OF HARWICH  
ASSESSORS OFFICE

732 MAIN STREET  
HARWICH, MASSACHUSETTS 02645

ASSESSORS OFFICE

2022 AUG 10 P 1:24  
\*\*Please email all Abutters Requests to [assessing@town.harwich.ma.us](mailto:assessing@town.harwich.ma.us)

OFFICE OF  
BOARD OF ASSESSORS  
Tel: 508-430-7503  
Fax: 508-430-7086

ABUTTERS REQUEST FORM

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2022 AUG 10 P 1:24

Board Requesting Action: ZBA

Date Submitted: 7/26/22

Applicant's Name: Brian & Michelle Taranto

Assessors Map(s) & Parcel(s): Map4, Parcel T2-13

Property Location: 24 Green Needle Lane, West Harwich

Owner(s): Brian & Michelle Taranto

Contact Person: Jim Hagerty

E-mail Address: [jhagerty@capecodbuilder.com](mailto:jhagerty@capecodbuilder.com)

Telephone #: 508-258-7069

I hereby certify that the names and addresses on the attached or preceding sheet (s) are of the owners as they appear in the assessing departments most recent computerized tax list

Type of Petition: Special Permit

Assessors Approval By: *Sarah Cole* 7/27/22

INVOICE

*This cover sheet is also your invoice.*

	<u>Amount</u>	<u>Date Paid</u>	<u>Ck #</u>
Up to 25 Abutters	\$50.00	7/28/22	12206
Additional Abutters _____ @ \$2.00 ea	_____	_____	_____
<b>TOTAL</b>	_____	_____	_____