



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS
Notice of Appeal/Application and Petition for Public Hearing, ("APPLICATION")

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:

91 CHASE ST, WEST HARWICH, MA

Said property is further described on

Assessor's Map # 4 and Parcel # F1/D located in the RH-1 Zoning District as shown on the attached plan.

Describe

Petition/Appeal: SEE ATTACHES

Relief requested - Cite specific Bylaw Section(s):

SECTION 325.54 B - SPECIAL PERMIT

Signature of Owner (or Agent) _____

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

Date 10/26/22

Owner Name SICEMOND, INC. D/B/A THE GREEN INN

JOHN F. AUGUST, PRESIDENT / PRINCIPAL SHAREHOLDER Phone No. 508-432-3114

Mailing Address: 91 CHASE ST. WEST HARWICH, MA 02671

Agent Name: _____ Phone No. _____

Mailing Address: _____

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: SECOAMP, INC D/O/A THE TOWN INN - JOHN F. AUGUST, PRESIDENT/PRINCIPAL SHAREHOLDER

Address of Property: 91 CHASE ST

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: 1938

Name/Address of Engineer/Architect: BOBBIT DESIGN, 85 MCGUERRY RD, EASTHAM, MA 02642

Name/Address of Attorney: WILLIAM D. CROWELL, ESQ, 466 MAIN ST, HARWICH PORT, MA 02646

Subject	Existing	Required	Proposed
Lot Area (square feet)	75,053	40,000	75,053
Frontage (linear feet)	232	150	232
Front Yard Setback (feet)	149	25	149
Side yard Setback (feet)	6.1	20	6.1
Rear Yard Setback (feet)	197	20	197
Any Yard Setback - Specify which:			
Building Coverage (%)	9.6	30	9.6
Site Coverage (%) (see 325-2)	10.3	35	10.3
Building Height (see 325-2 & 325-108)*	16.5	30	16.5
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: SPECIAL PERMIT - RENOVATE EXISTING NON-CONFORMING COTTAGE

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: _____ Date: _____

Owner's Signature: [Signature] Date: 10/26/22

SICEAMP, Inc. d/b/a The Tern Inn (John F. August, President & Principal Shareholder)

91 Chase Street

The Petitioner seeks to renovate a pre-existing, non-conforming seasonal cottage to convert it from a 3 bedroom single unit to a 2 bedroom double unit on the same footprint as the existing structure as per the Certified Plot Plan by Ryder & Wilcox dated June 16, 2022 and the Building and Elevation plans by Babbit Design dated August 25, 2022. The proposed renovation will take place within the existing building structure and will not increase the building footprint or elevation. The existing building is non-conforming at 6.1 feet from the northeast side boundary which will remain unchanged in the renovation. All other setbacks are presently conforming and will remain conforming.

The Tern Inn is a licensed Bed & Breakfast which has operated continuously in its current configuration for over 70 years. The proposed renovation is for an existing cottage (referred to as the Seagull Cottage) that was originally built in 1938. The renovation will create a more open and modern floorplan and reduce the intensity of use from 6 occupants to 4 occupants during its seasonal use.

Since there is no change in the existing nonconformities and the intensity of the use is being diminished, in accordance with the findings of the Gale Case this Board may grant a special permit upon a finding that the proposed construction will not constitute a substantial detriment to the entire neighborhood.

In the alternative, the Petitioner requests a Variance for the aforementioned renovation.

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



Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class Mail

October 17, 2022

John August
Tern Inn
91 Chase Street
West Harwich, MA.02671

Re: Zoning Relief Required
Building Permit Application "renovate 1 cottage -- a 3 bedroom and convert it a 2
bedrooms and 2 bathrooms (2 cottages) within the existing structure"
91 Chase Street West Harwich, MA 02671 (Assessor's Map 4, Parcel F-1)
Zoning District RL

Dear Mr. August,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Ryder & Wilcox Inc. P.E & P.L.S. dated, June 16, 2022, the following zoning relief is first required:

Harwich Zoning Bylaw: Table 1- Use Regulations, Paragraph IV commercial uses; # 17 Inn - not allowed. Thus pre-existing, non-conforming use.

§325-54. B. Except for single and two-family dwellings provided for in Subsection A(5) of the section, a lawfully preexisting structure, whether conforming or not, used for a lawfully nonconforming use may, by special permit, be changed, altered, or razed and replace with a new structure on the same site, provided that it is determined by the Board of appeals.

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 'incomplete' 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 project complies with the approved plans and all applicable dimensional requirements under town zoning.

This correspondence also serves as a zoning determination under Section 7 of Massachusetts General Laws Chapter 40A, which may be appealed by a 'person aggrieved' under Sections 8 & 15 of Massachusetts General Laws Chapter 40A.

Please feel free to contact the Building Department to discuss further, as necessary.

Respectfully,



Jack Mee
Harwich Building Commissioner

Cc: File



TOWN OF HARWICH
ASSESSORS OFFICE

732 MAIN STREET
HARWICH, MASSACHUSETTS 02645

OCT 21 2022

ASSESSORS OFFICE

** Please email all Abutters Requests to assessing@town.harwich.ma.us

OFFICE OF
BOARD OF ASSESSORS

Tel: 508-430-7503

Fax: 508-430-7086

ABUTTERS REQUEST FORM

Board Requesting Action: *ZBA*

Date Submitted: *10/21/22*

Applicant's Name: *JOHN F. AUGUST*

Assessors Map(s) & Parcel(s): */*

Property Location: *91 CHASE ST, WEST HARWICH, MA 02671*

Owner(s): *SILCAMP, INC (JOHN AUGUST - PRINCIPAL SHAREHOLDER)*

Contact Person: *JOHN AUGUST*

E-mail Address: *STAY@THE TOWN INNS.COM*

Telephone #: *508-246-7488*

Type of Petition:

Assessors Approval By: *.*

INVOICE

This cover sheet is also your invoice.

		<u>Date</u>	<u>Paid</u>	<u>Ck #</u>
Abutters Fee	\$50.00	<i>10/21/22</i>	<i>1419</i>	

Make checks payable to: Town of Harwich



TOWN OF HARWICH, MA
BOARD OF ASSESSORS
732 Main Street, Harwich, MA 02645

Abutters List Within 500 feet of Parcel 4/F1/0

