



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 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:

17 Louis way

Said property is further described on

Assessor's Map # 4 and Parcel # M4-7-0 located in the RH1 Zoning District as shown on the attached plan.

Describe

Petition/Appeal: See attached

Relief requested - Cite specific Bylaw Section(s):

See attached correspondence of Building Commissioner

Signature of Owner (or Agent) [Signature] Date 10/27/2022

Owner Name Derrick L. Tallman Francine R. Tallman Phone No. 508-432-1643

Mailing Address: 17 Louis way W. Harwich MA 02671

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

Mailing Address: P.O. Box 185 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):

- ✓ **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 MGL and the Harwich Zoning Bylaws.**

- ✓ **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.**

APPLICATION CHECKLIST ADDENDUM

This Addendum must be completed in full by the Applicant and is a part of the Application.

Name of Applicant: Derrick L. Tallman
Francine R. Tallman

Address of Property: 17 Louis Way West Harwich

Zoning District: RH1

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: 1967

Name/Address of Engineer/Architect: William D. Crowell, Esq.

466 Main Street

Name/Address of Attorney: P.O. Box 185
Harwich Port, MA 02646

	Required by Bylaw	Existing	Proposed
Lot Area	40,000	10,189	10,189
Frontage	150	100	100
Front Yard Setback	25	26.9	26.9
Side yard Setback	20	10.7	10.7
2 nd Side Yard Setback	20	15.4	15.4
Rear Yard Setback	20	33.7	33.7
Building Coverage	30% ^{0/0}	< 30%	< 30%
Site Coverage	35% ^{0/0}	< 35%	< 35%
Building Height	< 30	< 30'	< 30'
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			

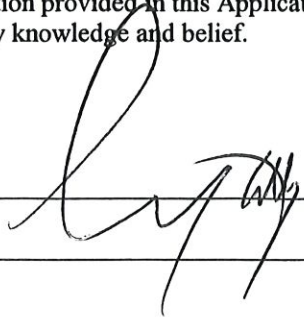
Form of Relief Requested: Special Permit

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.

Applicant's Signature: _____



Date: _____

10/27/2022

Owner's Signature: _____

Date: _____

Sally@wcrowell.office1@comcast.net

To: wcrowell.office1@comcast.net
Subject: RE: Louis Way

William D. Crowell, Esq.
P.O. Box 185 - 466 Main Street
Harwich Port, MA 02646
Phone: 508-432-1643
Fax: 508-430-0631
e-mail: wcrowell.office1@comcast.net

From: Derrick Tallman <derricktallman993@hotmail.com>
Sent: Thursday, October 27, 2022 8:59 AM
To: Samantha Nikula <samantha@encoreco.com>; wcrowell.office1@comcast.net
Subject: Re: Louis Way

We, Derrick and Francine Tallman, owners of 17 Louis Way, West Harwich MA, hereby authorize William D. Crowell, Esq. to represent us before the Town of Harwich Board of Appeals.

Thank you,

Derrick Tallman
Francine Tallman

Sent from my iPhone

On Oct 27, 2022, at 8:42 AM, Samantha Nikula <samantha@encoreco.com> wrote:

1. 2 checks made payable to the Town of Harwich – one for \$315.00 and one for \$50.00. **encore handles**
2. An email authorization from the client ...they can cut and paste the following into a separate e-mail to us....

I/We (depending on who the owner(s) is/are), _____, owner(s) of _____ Lewis Lane, hereby authorize William D. Crowell, Esq. to represent me/us before the Town of Harwich Board of Appeals.

Tallman – 17 Louis Way

The Petitioner is requesting a Special Permit to remodel/reconfigure the first floor and add a new second floor to the pre-existing, non-conforming single-family residence. There will be no change to the footprint of the existing dwelling. Said dwelling is non-conforming on the west side at 10.7 feet and non-conforming on the east side at 15.4 feet.

Said distances will not change but new habitable space will be constructed on a second floor addition which will create new habitable space on the second floor within the now required 20 foot setback. Such will constitute an intensification of the existing non-conforming setbacks on both the west and east sides. However, in accordance with the findings of the Gale Case this Board may grant a Special Permit for the same upon the finding that the renovation will not constitute a substantial detriment to the entire neighborhood.

It should be noted that the proposed addition to the rear of the property was not constructed. The garage was previously converted to an office but is now reverting to a garage use with the new habitable space above. It should also be noted that the proposed westerly setback will not be 20.1 feet as shown on the plot plan but will remain at 10.7 feet. Also, both building coverage and site coverage will remain conforming after the proposed renovations have been completed.

In the alternative, the Petitioner is requesting a Variance for the aforementioned remodeling renovations.

TOWN OF HARWICH

Building Department

732 Main Street

Harwich, MA 02645



Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class Mail

October 26, 2022

Derrick L. & Francine R. Tallman
17 Louis Way
West Harwich, MA.02671

Cc: Thomas Hart / Encore Construction

Re: Zoning Relief Required
Building Permit Application "Remodel/reconfigure first floor and add new second floor.
No change to footprint of existing building"
17 Louis Way West Harwich, MA 02671 (Assessor's Map 4, Parcel M4-7-0)
Zoning District RR

Dear Mr. & Mrs. Tallman,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Terry A Warner, P.L.S. dated, June 21, 2021, the following zoning relief is first required:

§325-54. Nonconforming structures and uses.

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.

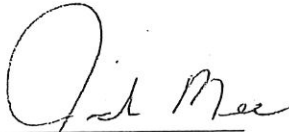
Further, be advised that, subject to obtaining the required permits and after construction, you will be required to submit a final as-built plan to the Building Department certifying that the

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,

A handwritten signature in cursive script that reads "Jack Mee". The signature is written in dark ink and is positioned above a horizontal line.

Jack Mee
Harwich Building Commissioner

Cc: File

LEGEND:

- Existing Spot Elevation
- Existing Contour
- Light Post
- Utility Pole
- Hydrant
- Existing Septic Component
- Cable service
- Water service
- Electric line/service
- Gas line/service
- Test Hole location
- Concrete bound found
- Manhole cover
- Existing tree

ZONING DIST. R-H-1	Required	Existing	Proposed
Min. Lot Area	40,000	10,189	10,189
Min. Lot Frontage	150'	100.00'	100.00'
Front Setback	25'	26.9'	26.9'
Side Setback	20'	10.7'	20.1'
Side Setback	20'	15.4'	15.4'
Rear Setback	20'	33.7'	20.1'
Maximum Height Feet	30'	26'	26'
Maximum Height Stories	2 1/2	2	2
Max. Building Coverage	30%	20.2%	23.4%
Max. Site Coverage	35%	37.4%	31.6%

Existing bldg. cov. = $2055/10,189=20.2\%$
 Existing lot cov. = $3806/10,189=37.4\%$
 Proposed bldg. cov. = $2378.8/10,189=23.4\%$
 Proposed lot cov. = $3218.8/10,189=31.6\%$

Scale: 1"=20'

