



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:

3 Terry lane. Said property is further described on

Assessor's Map # 4 and Parcel # H5-5 located in the RH-1 Zoning District as shown on the attached plan.

Describe

Petition/Appeal: Create a 2nd floor over existing dwelling with no outward expansion

Relief requested - Cite specific Bylaw Section(s):

325-54 (b)(1) and (2) 325-54 A(2)(a)(b)

Signature of Owner (or Agent) [Signature] Date 10/21/22
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name John and Elaine Keenan Phone No. _____

Mailing Address: 30 Haven street, unit 3016, Reading, MA 01867

Agent Name: David Rigumbha Phone No. 508-958-7466

Mailing Address: 301 Purchase st. South Easton, MA 02375

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 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: David Riquinha

Address of Property: 3 Terry Lane

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: _____

Name/Address of Engineer/Architect: Moran Engineering

Name/Address of Attorney: _____

Subject	Existing	Required	Proposed
Lot Area (square feet)	9998		9998
Frontage (linear feet)	140		140
Front Yard Setback (feet)	26.5	25	26.5
Side yard Setback (feet)	46.5	20	46.5
Rear Yard Setback (feet)	9.9	20	9.9
Any Yard Setback - Specify which:			
Building Coverage (%)	13	30	13.7
Site Coverage (%) (see 325-2)	27	35	27.4
Building Height (see 325-2 & 325-108)*	15.9	35	22.9
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

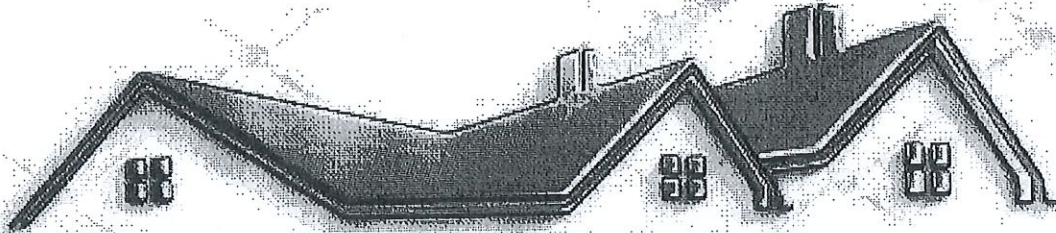
If the Applicant is requesting a Variance, state the hardship which the Applicant believes justifies this form of relief in accordance with MGL Chapter 40 and the Harwich Zoning Bylaw:

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: 10/21/22

Owner's Signature: see attached Date: _____



North Eastern Trade Services, Inc.
301 Purchase Street
South Easton, MA 02375
508-958-7466

AUTHORIZATION TO ENDORSE BUILDING PERMITS

We, John F. & Elaine C. Keenan hereby give my authorization to David Riquinha, of North Eastern Trade Services, Inc., to endorse any building permits, invoices, or other relevant documents that must be obtained or executed on my behalf in order to raze, build, repair, or make an addition to my property and/or residence.

Elaine and John Keenan

Property Owner's/Agents Name/s

Elaine Keenan + John Keenan

Property Owner's Signature/s

Elaine Keenan *John Keenan*

OCT 21 2022



TOWN OF HARWICH
ASSESSORS OFFICE
732 MAIN STREET
HARWICH, MASSACHUSETTS 02645

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: David Riquinha

Assessors Map(s) & Parcel(s): 4-M5-5

Property Location: 3 Terry Lane

Owner(s): John + Elaine Keenan

Contact Person: David Riquinha

E-mail Address: bfconst4@comcast.net

Telephone #: 508-958-7466

Type of Petition:

Assessors Approval By:

INVOICE

This cover sheet is also your invoice.

		<u>Date Paid</u>	<u>Ck #</u>
Abutters Fee	\$50.00	10/21/22	1403

Make checks payable to: Town of Harwich

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



Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class Mail

October 21, 2022

John & Elaine Keenan
27 Wildwood Road
Andover, MA 01810

cc. David Riquinha

Re: Zoning Relief Required
Building Permit Application "Second floor expansion and addition."
3 Terry Lane Harwich, MA 02645 (Assessor's Map 4, Parcel M5-5)
Zoning District R-H-1

Dear Mr. & Mrs. Keenan,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Moran Engineering Assoc., LLC dated September 26, 2022, the following zoning relief is first required:

§325-54 (b) conditions (1) and (2)

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.

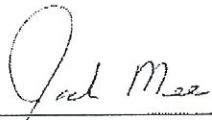
Further, be advised that, subject to obtaining the required permits and after construction, you will be required to submit a final as-built plan to the Building Department certifying that the

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