



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

Case # _____

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:

- (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:

25 Quail Nest Run. Said property is further described on

Assessor's Map #85 and Parcel # S123-0 located in the **RR & Six Ponds Special District, Zone B** Zoning District as shown on the attached plan.

Describe Petition/Appeal: See attached.

Relief requested - Cite specific Bylaw Section(s): See attached correspondence from Building Commissioner.

Signature of Owner (or Agent) [Signature] Date November 28, 2022
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Edward W. Donnelly & Melissa B. Donnelly Phone No. 508-432-1643

Mailing Address: 3 Wildwood Drive, Pearl River, NY 10965

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

Mailing Address: 466 Main Street, 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 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):

- X** **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.

- X** **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.**

- X** **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

- X** **Certified Abutters List**

- X** **Check made payable to "Town of Harwich" for \$315.00.**

Name of Applicant: Edward W. Donnelly & Melissa B. Donnelly

Address of Property: 25 Quail Nest Run

Zoning District: RR & Six Ponds Special District, Zone B

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): Six Ponds Special District, Zone B

Year Structure(s) Built: 1967

Name/Address of Engineer/Architect: Unknown

Name/Address of Attorney: William D. Crowell, Esq., 466 Main Street, P.O. Box 185, Harwich Port, MA 02646

Subject	Existing	Required	Proposed
Lot Area (square feet)	10,300	40,000	10,300
Frontage (linear feet)	100'	150'	100'
Front Yard Setback (feet)	33.6'	25'	unchanged
Side yard Setback (feet)	12.7'/18.7	20'	unchanged
Rear Yard Setback (feet)	40.4'	20'	26.4
Any Yard Setback - Specify which:			
Building Coverage (%)	16.7%	15% max	18%
Site Coverage (%) (see 325-2)	28.0%	25% max	29.7%
Building Height (see 325-2 & 325-108)*	<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			

* 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:  Date: 11/28/2022

Owner's Signature: _____ Date: _____



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

** 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: Zoning Board of Appeals

Date Submitted: November 28, 2022

Applicant's Name: Edward W. Donnelly & Melissa B. Donnelly

Assessors Map(s) & Parcel(s): 85-S123-0

Property Location: 25 Quail Nest Run

Owner(s): Edward W. Donnelly & Melissa B. Donnelly

Contact Person: William D. Crowell, Esq.

E-mail Address: wcrowell.office1@comcast.net

Telephone #: 508-432-1643

Type of Petition: Special Permit

Assessors Approval By:

INVOICE

This cover sheet is also your invoice.

	<u>Amount</u>	<u>Date Paid</u>	<u>Ck #</u>
Up to 25 Abutters	\$50.00	11/28/22	10680
Additional Abutters _____ @ \$2.00 ea	_____	_____	_____
TOTAL	_____	_____	_____

Make checks payable to: Town of Harwich

[https://d.docs.live.net/76aed0b2c2647db3/Public Share/SALLY - MISC FOLDER/TownofHarwichAbuttersRequestForm.doc](https://d.docs.live.net/76aed0b2c2647db3/Public%20Share/SALLY%20-%20MISC/FOLDER/TownofHarwichAbuttersRequestForm.doc)

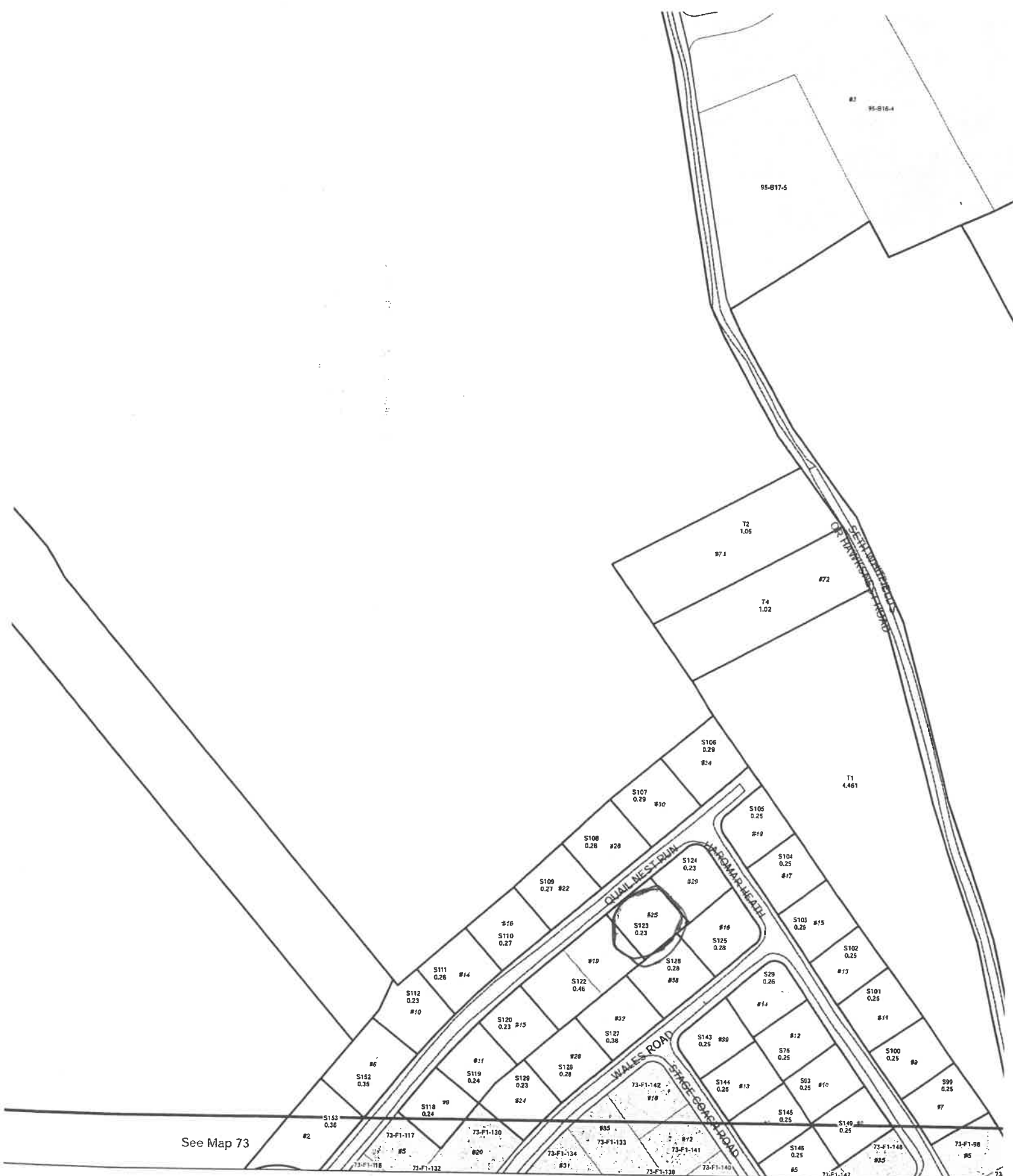
Sally@wcrowell.office1@comcast.net

From: Ed Donnelly <beegreenturf@gmail.com>
Sent: Friday, November 25, 2022 9:39 PM
To: Sally at William D. Crowell
Subject: Authorization

We, Edward W. Donnelly and Melissa B. Donnelly, owners of 25 Quail Nest Run, hereby authorize William D. Crowell, Esq. to represent us before the Town of Harwich Zoning Board of Appeals.

Thank you,

Edward W. Donnelly and Melissa B. Donnelly



See Map 73

TOWN OF HARWICH
ASSESSORS MAP

January 2022

for
 its
 is information.

Donnelly – 25 Quail Nest Run

The Petitioners seek a Special Permit to construct a porch, step and deck on their pre-existing, non-conforming single-family residence as per the Existing and Proposed Conditions Plot Plan by Moran Engineering Associates, LLC dated November 14, 2022 and the Building and Elevation Plans (submitted herewith) showing the proposed first floor renovations, new front porch and front step, existing first floor and front elevations (5 pages).

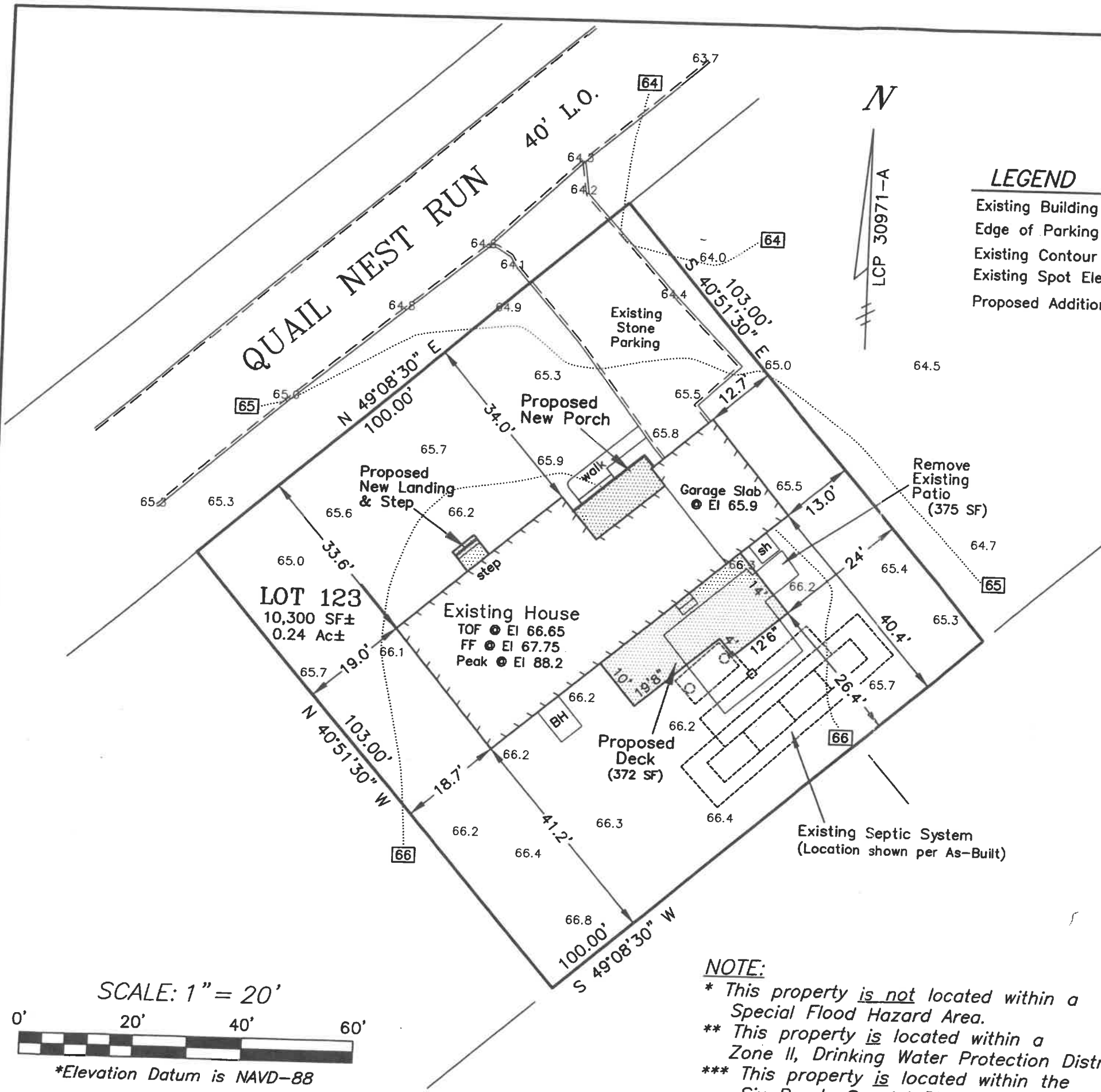
The porch, step and deck will meet all applicable setbacks. The building coverage (15% max) will increase slightly from 16.7% to 18% and the Site Coverage (25% max) will increase slightly from 28% to 29.7%. The subject property is also located in the Six Ponds District however § 325-97 of the By-law states that developed lots seeking to add structures exceeding 100 square feet (the deck) are allowed as long as the maximum lot coverage does not exceed 25%. In this case, however, the site coverage of 28% already exceeds that maximum and therefore the Gale Case would apply allowing for an intensification of an existing non-conformity. Similarly, the aforementioned building coverage and site coverage increases would fall under the purview of the Gale Case to allow for intensification of existing non-conformities upon the issuance of a Special Permit by this Board finding that the same does not constitute a substantial detriment to the entire neighborhood.

- E. Preexisting lots. Existing lots lawfully laid out by plan or deed prior to the effective date of this article shall be considered lawfully preexisting, nonconforming lots, provided that the lot meets the provisions of § 325-7 of the Town of Harwich Zoning Bylaw.
- F. Developed lots. Structures on preexisting, nonconforming lots may be added to or extended, and accessory structures exceeding 100 square feet constructed, on the provision that the addition, extension, or accessory structure exceeding 100 square feet meets the following criteria:
- (1) The addition, extension, or accessory structure exceeding 100 square feet is set back no less than 25 feet from any street and 20 feet from the side and rear lot lines; and
 - (2) Maximum lot coverage does not exceed 25%.

§ 325-98. Clearing and grading.

No person may clear any portion of a lot for construction without first obtaining a foundation permit or a building permit from the Building Department. No person shall undertake land clearing/grading activities exceeding an area of 30,000 square feet without first obtaining a special permit from the Planning Board. While the clearing/grading of an area less than 30,000 square feet does not require a special permit, compliance with the measures contained in Subsection B(1) through (8) is encouraged for all development within the district.

- A. Application requirements. Unless determined otherwise by the Planning Board the following submittals are required at the time of application:
- (1) A plan must be accurately drawn to scale (not less than one-inch equals 40 feet) on a sheet or sheets having dimensions of not less than 11 inches by 17 inches. Multiple sheet site plan sets must be labeled using the format of "Sheet 1 of _____, Sheet 2 of _____, etc." The plan must contain adequate drawings, symbols, and notations to indicate the following information:
 - (a) Seal and signature of the contributing registered land surveyor for any plan showing property line locations and seal and signature of the contributing registered civil engineer for any plan proposing new or altered stormwater drainage facilities. Information may be superimposed on a valid survey plan or a valid existing site plan, provided that the following notation is included on the site plan: "[This site plan was prepared by (name of preparer) using a (plan of land/site plan) titled _____, dated _____ and last revised on _____, scale: _____, prepared by _____.]"
 - (b) Scaled site locus map (at a scale of one inch equals 500 feet), Assessor map(s) and parcel number(s), North arrow, graphic scale, title block, plan references, names of applicant(s) and record owner(s) and date of site plan preparation.
 - (c) Total area of property containing the site of proposed development. Plans for redevelopment of a site shall show all land on the subject parcel and any

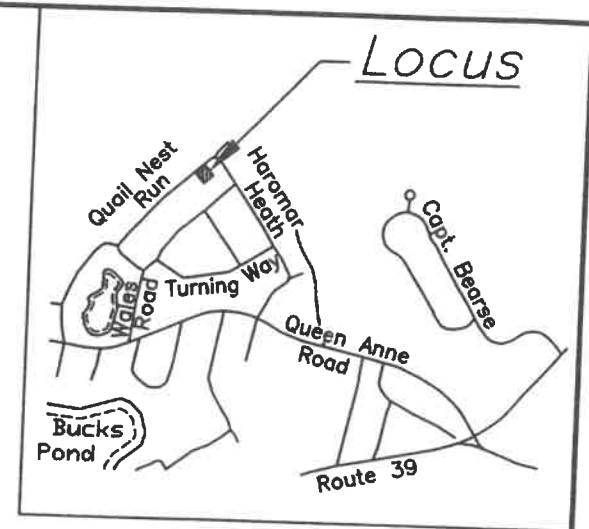


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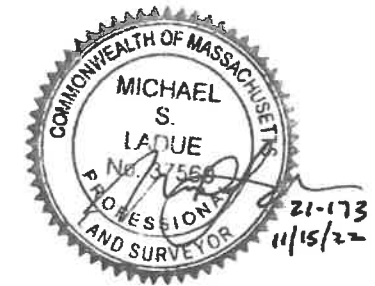
LCP 30971-A

LEGEND

- Existing Building
- Edge of Parking
- Existing Contour
- Existing Spot Elevation 19.4
- Proposed Addition



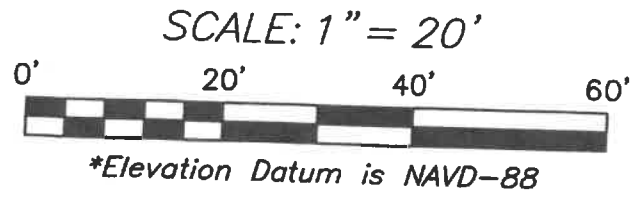
LOCATION MAP
 Assessors ID: 85-S123
 Deed: Ctf. 196951
 Plan: LC PI 30971-A
 Sheet 5, Lot 123



Zoning Compliance

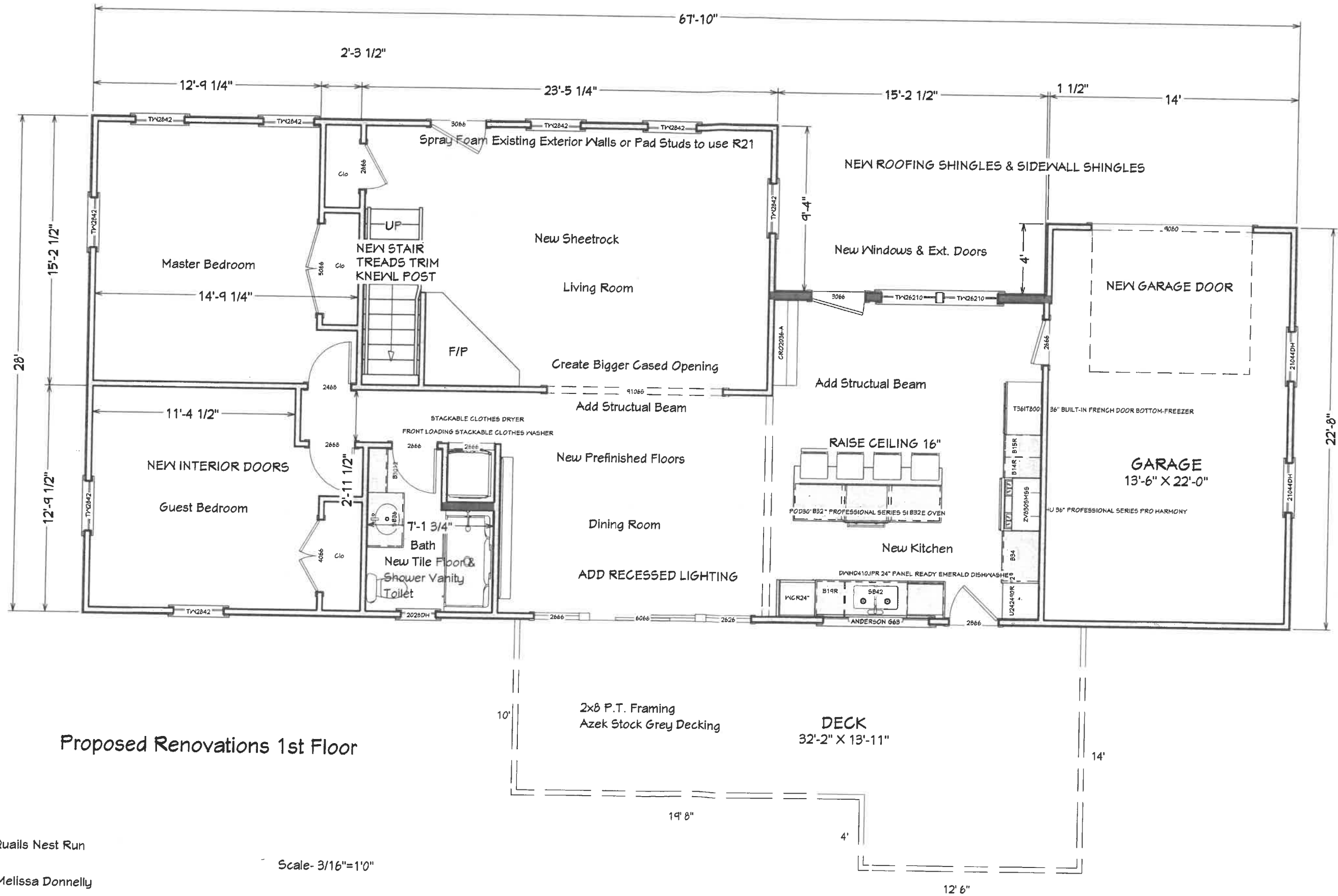
Zone: R-R
 & Six Ponds Special District, Zone B

	Zoning	Existing	Proposed
Min Front Setback	25'	33.6'	unchanged
Min Side Setback	20'	12.7'/18.7'	unchanged
Min Rear Setback	20'	40.4'	26.4'
Building Coverage	(1545sf) 15%max	(1715sf) 16.7%	(1850sf) 18%
Site Coverage	(2575sf) 25%max	(2889sf) 28.0%	(3057sf) 29.7%



- NOTE:**
- * This property is not located within a Special Flood Hazard Area.
 - ** This property is located within a Zone II, Drinking Water Protection District.
 - *** This property is located within the Six Ponds Special District.

MORAN ENGINEERING ASSOC., LLC
 508-432-2878 941 ROUTE 28, HARWICH, MA
EXISTING & PROPOSED CONDITIONS PLOT PLAN
 Prepared For: Edward Donnelly
 25 QUAIL NEST RUN HARWICH
 PROJECT: 21-173 DATE: 11/14/2022



Proposed Renovations 1st Floor

25 Quails Nest Run
Ed & Melissa Donnelly

Scale- 3/16"=1'0"



