



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZB2023-03

ZONING BOARD OF APPEALS

Notice of Appeal/Application and Petition for Public Hearing, ("APPLICATION")

RECEIVED
TOWN CLERK
HARWICH, MA
2023 JAN 23 P 1:24

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:

14 ATLANTIC STREET, HARWICH PORT, MA. Said property is further described on

Assessor's Map # 6B and Parcel # L140 located in the R-11-2 Zoning District as shown on the attached plan.

Describe Petition/Appeal: DEMOLISH AND REBUILD A PRE-EXISTING NON-CONFORMING STRUCTURE LOCATED ON A

Relief requested - Cite specific Bylaw Section(s): § 325-54: NON-CONFORMING STRUCTURES AND USES; TABLE 2: AREA REGULATIONS; TABLE 1: LOT HEIGHT AND BULK REGULATION

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

Date 1/19/2023

Owner Name JOHN D. PARONE AND KAREN GONNE Phone No. (781) 856-0017

Mailing Address: 3910 STRATFORD COURT, RALEIGH, NORTH CAROLINA 27607

Agent Name: JAMES M. NORCROSS, ESQ. Phone No. (508) 945-5400

Mailing Address: PO BOX 707, CHATHAM, MA 02633

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: JOHN D. BARONE AND KAREN GAGNE
 Address of Property: 14 ATLANTIC STREET, HARWICH PORT, MA 02646
 Zoning District: RH2

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: 1910 - 1950

Name/Address of Engineer/Architect: JACK LUTSHART / PAUL SWEETSER

Name/Address of Attorney: JAMES M. McGRATH, Esq.

Subject	Existing	Required	Proposed
Lot Area (square feet)	1,957	40,000	SAME
Frontage (linear feet)	47.94	150	SAME
Front Yard Setback (feet)	6.52	25	SAME
Side yard Setback (feet) (PINE STREET)	9.41	20	SAME
Rear Yard Setback (feet)	0.41	20	1.08
Any Yard Setback - Specify which: (WEST)	4.01	20	17.56
Building Coverage (%)	34.95	30	39.06
Site Coverage (%) (see 325-2)	41.72	35	41.03
Building Height (see 325-2 & 325-108)*	39.25	48.26	44.76
If this is an Application for an Accessory Apartment, in addition to the above:			
A. Net Floor Area of the Principal Dwelling	N/A	N/A	N/A
B. Net Floor Area of the proposed Accessory Apartment	N/A	N/A	N/A

* 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: 1/19/2023
 Owner's Signature: _____ Date: _____

Town of Harwich
Zoning Board of Appeals Petition

Supplement to Petition

Applicants and Owners: JOHN D. BARONE AND KAREN GAGNE
Property: 14 ATLANTIC STREET, HARWICH PORT, MA 02646

The Applicants have applied for a special permit pursuant to Section 325-54 of the By-law to demolish an existing three (3) bedroom dwelling and rebuild a new three (3) bedroom dwelling on the Property. The existing lot is non-conforming as it contains 1,957 square feet where 40,000 square feet is required. The existing house is also non-conforming as to setbacks and coverage. The proposed house will essentially be located in the same footprint as the existing structure, with a slight expansion at the rear of the Property. The proposed house will remain non-conforming as to setbacks and coverage. The proposed house will be in compliance with the height requirement of the Harwich Zoning Bylaw.

The Applicants believe the proposed project is not substantially more detrimental to the neighborhood and therefore qualifies for a Special Permit from the Zoning Board of Appeals.

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



Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class Mail

January 3, 2023

John D Barone & Karen Gagne
3910 Stratford Ct.
Raleigh, NC 27609

Re: Zoning Relief Required
Building Permit Application BLDG-22-82
14 Atlantic Street Harwich, MA (Assessor's ID 6B-L-140-0),
Zoning District R-H-2

Dear William & Lisa Whalen:

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Paul D. Sweeter, dated December 8,, 2022 the following zoning relief is first required:

Harwich Zoning Bylaw §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.

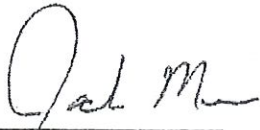
I also reserve the right, should you not expeditiously and continuously proceed with obtaining the required zoning relief or otherwise withdraw the building permit application, to deny the building permit application for incompleteness, or inconsistency with zoning, or both.

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, appearing to read "Jack Mee", written over a horizontal line.

Jack Mee
Harwich Building Commissioner

Cc: File

James M. Norcross

From: John Barone <jbarone361@gmail.com>
Sent: Thursday, January 19, 2023 10:44 AM
To: James M. Norcross
Subject: Zoning Application

"James M. Norcross is hereby authorized to file an Application for a Special Permit to the Zoning Board of Appeals on behalf of John Barone and Karen Gagne"

John Barone
781-856-0017

Sent from Mail for Windows