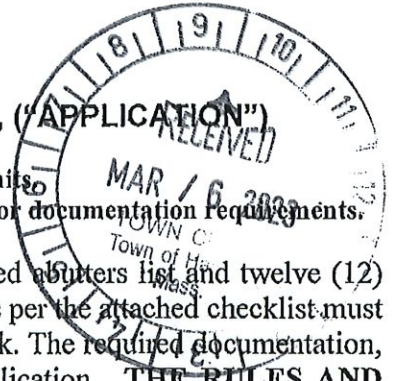


2023-05
Case #



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 copy of the plans 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.
 - (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:

2173 Route 28, 4 Cove Landing Road, and 2 Swan Drive. Said property is further described on

Assessor's Map #115, 115, & 115 and Parcel # S1-3, R-2, and H-5-2 located in the CH-2 (all) Zoning District as shown on the attached plan.

Describe Petition/Appeal: Applicant seeks to alter pre-existing nonconforming amenities coverage & to increase pre-existing nonconforming hotel/motel use by more than 7,500 square feet in gross floor area

Relief requested - Cite specific Bylaw Section(s): 325 - 18(E), 325-54 (B) (Revised) and 325 - 51

Signature of Owner (or Agent) By: Marian S. Rose Date 3-6-2023
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name: Round Cove Resort Owner LLC & 4 Cove Landing Road Owner LLC Phone No: c/o Marian Rose 508-398-2221

Mailing Address: 65 East 55th ST., 33rd Floor, New York, NY 10022

Agent Name: Marian S. Rose -- Law Office of Singer & Singer, LLC Phone No. 508-398-2221

Mailing Address: P.O. Box 67 (26 Upper County Rd.) Dennisport, MA 02639

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.



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

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

RECEIVED TOWN CLERK

2023 FEB 23 P 12:49

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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:

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Assessor's Map #115, 115, & 115 and Parcel # S1-3, R-2, and H-5-2 located in the CH-2 (all) Zoning District as shown on the attached plan.

Describe Petition/Appeal: Applicant seeks to alter pre-existing nonconforming amenities coverage & to increase an allowed use by more than 7,500 square feet in gross floor area

Relief requested - Cite specific Bylaw Section(s): 325 - 18(E), 325-9, and 325 - 51

Signature of Owner (or Agent) By: Marian S, Rose Date 2-22-2023

Owner Name: Round Cove Resort Owner LLC & 4 Cove Landing Road Owner LLC Phone No: c/o Marian Rose 508-398-2221

Mailing Address: 65 East 55th ST., 33rd Floor, New York, NY 10022

Agent Name: Marian S. Rose - Law Office of Singer & Singer, LLC Phone No. 508-398-2221

Mailing Address: P.O. Box 67 (26 Upper County Rd.) Dennisport, MA 02639

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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.

- XX** 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: Round Cove Resort Owner LLC & 4 Cove Landing Road Owner LLC

Address of Property: 2173 Route 28, 4 Cove Landing Road, and 2 Swan Drive.

Zoning District: CH- 2

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 X

If Yes, specify District(s): _____

Year Structure(s) Built: 1967 +/-

Name/Address of Engineer/Architect: John Bolgna, Coastal Engineering

Name/Address of Attorney: Marian S. Rose – Law Office of Singer & Singer, LLC -
P.O. Box 67 (26 Upper County Rd.) Dennisport, MA 02639

Subject	Existing	Required	Proposed
Lot Area (square feet)	966,100	282,000	966,100
Frontage (linear feet)	734	150	No change
Front Yard Setback (feet)	72	50	No change
Side yard Setback (feet)	30.4	50	No change
Rear Yard Setback (feet)	15.9	50	No change
Any Yard Setback - Specify which:			
Building Coverage (%)	8.1	30	8.4
Site Coverage (%) (see 325-2)	32.1	35	32.4
Building Height (see 325-2 & 325-108)*	See architect plans	2.5 story; 30'	See architect plans
If this is an Application for an Accessory Apartment, in addition to the above:	N/A	N/A	N/A
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: Marian S. Rose Date: 2.22.2023

Owner's Signature: MS Rose as agent for owner Date: 2.22.2023

Law Office of Singer & Singer, LLC

26 Upper County Road
P. O. Box 67
Dennisport, Massachusetts 02639

Andrew L. Singer
Marian S. Rose

Myer R. Singer (1938-2020)

Tel: (508) 398-2221
Fax: (508) 398-1568
www.singer-law.com

Property: 2173 Rt. 28, Wequassett Resort

ZONING BOARD OF APPEALS NARRATIVE

- 1. Property:** The proposed project is located at the Wequassett Resort & Golf Club property located at 2173 Route 28, Harwich, MA, and, in a more limited fashion, at an adjacent property, 4 Cove Road, which will be merged by 81X plan with the 2173 Rt. 28 parcel and 2 Swan Drive, also owned in common with 2173 Rt. 28 (collectively, the "Property"). The Property is located in the C-H-2 zoning district. The Property has an allowed hotel/motel use.
- 2. Proposed Project** The scope of this project is to raze and replace single-story buildings #1, #2 and #11 with slightly larger two-story proposed buildings A, B, and K located further away from a coastal area wetlands resource area . Each proposed new structure will have four additional units with a net increase in hotel units from 121 to 132 units. Total floor area for the buildings involved in this project will increase from 6,749 sq. feet to 16,416 sq. feet resulting in a net increase of 9,667 sq. feet. The proposed new structures will be conforming as to setbacks. Building coverage will increase from 8.1 % to 8.4 % where 30% coverage is allowed. The scope of work will also include the modification of parking areas for ADA compliance and modifications to hardscape and landscape. No pre-existing nonconformities will be altered by the proposed work, with the exception of the increase in amenities coverage, and no new nonconformities will be created by the proposed work.
- 3. Relief Requested:** The Applicants are seeking a Special Permit from the Zoning Board of Appeals under Section 325 -9 of the Harwich Zoning By-Law for an increase in allowed hotel use by more than 7,500 square feet of gross floor area. The Applicants are also seeking a Special Permit to alter existing nonconforming amenities coverage under Section 325-18 (E).



EOS
I N V E S T O R S

RECEIVED
TOWN CLERK
HARWICH, MA

2023 FEB 23 P 12:49

444 Madison Avenue
Floor 14
New York, NY 10022

AUTHORIZATION

I, Sofie Issembert, on behalf of Round Cove Resort Owner LLC, hereby authorize Marian Rose, Esquire, or any other attorney at the Law Office of Singer & Singer, LLC, of Dennisport, Massachusetts, to represent Round Cove Resort Owner LLC, as Authorized Agent, to do all things necessary with respect to any application, including but not limited to, the signing of any application filed on my behalf with the Town of Harwich, or any Department, Board or Committee thereof, or any documents required in connection with any such filing, for the property located at 2171 Rt. 28, Harwich, Barnstable County, Massachusetts.

EXECUTED as a sealed instrument this 2nd day of December, 2022.

Sofie Issembert