



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

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

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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:

1 Shore Drive, Harwich, MA 02645. Said property is further described on

Assessor's Map # 78 and Parcel # B10-0 located in the R-R 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]
(Written authorization by the owner must accompany an Application signed by agent.)

Date 2/13/23

Owner Name Richard S. Tupper

Phone No. 508-432-1643

Mailing Address: 329 Waquoit Road, Cotuit, MA 02635

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: Richard S. Tupper

Address of Property: 1 Shore Drive, Harwich, MA 02645

Zoning District: R-R

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): W-R

Year Structure(s) Built: 1966

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)	15,414	40,000	15,414
Frontage (linear feet)	218.84	150	218.84
Front Yard Setback (feet)	19.3/20.2	25	22.1/18.2
Side yard Setback (feet)	18.7	20	10
Rear Yard Setback (feet)	82.3	20	82.3
Any Yard Setback - Specify which:	-	-	-
Building Coverage (%)	10.3%	15%	9.9%
Site Coverage (%) (see 325-2)	31%	25%	29.2%
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: 2/13/23

Owner's Signature: _____ Date: _____

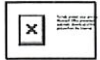
Sally@wcrowell.office1@comcast.net

From: admin@tupperco.com
Sent: Friday, January 20, 2023 8:15 AM
To: wcrowell.office1@comcast.net
Subject: Authorization e-mail, 1 Shore Drive, Harwich

I, Richard S. Tupper, owner of 1 Shore Drive, hereby authorize William D. Crowell, Esq. to represent me before the Town of Harwich Zoning Board of Appeals.

Thank you,

Richard S. Tupper



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Tupper, Richard S.

1 Shore Drive, Harwich

The Petitioner requests a Special Permit to add a wrap-around porch and a rear deck to the pre-existing, non-conforming single-family residence as per the Certified Plot Plan by BSC Group and the Building and Elevation Plans by RT Architects (Sheets, A.1 and A.2) submitted herewith. The existing structure has an enclosed porch as shown on the detail on the Plot Plan. Said porch is 19.3 feet and 20.2 feet from Cahoon Road and Shore Drive as shown in said detail. Consequently, it is less than the required 25 foot setback from a road and is therefore non-conforming. The southwest corner of the existing dwelling is 16.7 feet from the westerly lot line where 20 feet is required and is therefore also non-conforming. However, in accordance with the findings of the Gale Case, this Board can issue a Special Permit to allow for the proposed wraparound porch to be 22.1 feet and 18.2 feet from Cahoon Road and Shore Drive and the proposed rear deck to be 10 feet from the westerly lot line if it finds that the additions will not constitute a substantial detriment to the entire neighborhood.

It should also be pointed out with regard to the proposed rear deck that it will be under 4 feet in height and thus pursuant to Section 325-18, sub paragraph F. (2), it can be located at a distance of one-half (1/2) of the required setback of 20 feet i.e. 10 feet. Also, there is presently a good deal of vegetation in front of the existing enclosed porch that blocks the view at that corner. Said vegetation will be removed by the Petitioner. The proposed wraparound porch will be an open porch with no screens or walls, but only the required railings and ballisters for Building Code purposes. Therefore, the site line will be improved at this corner by the proposed addition. Finally, the existing building coverage is 10.3% (15% maximum) and will decrease to 9.9%. The existing site coverage is 31% (25% maximum) and will decrease to 29.2% to make it less non-conforming.

In the alternative, the Petitioner requests a Variance for the aforementioned additions.

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



Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class Mail

December 20, 2022

Richard Tupper
329 Waquoit Road
Cotuit, MA 02635

Re: Zoning Relief Required
Building Permit Application BLD-22-28
1 Shore Drive, Harwich, MA (Assessor's Map 78, Parcel B10),
Zoning District R-R

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Dear Richard Tupper:

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by BSC Group dated November 14, 2022 the following zoning relief is first required:

Harwich Zoning Bylaw §325-54 Special permit for alterations or extension of Nonconforming single or two-family residential structure.

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,



Jack Mee
Harwich Building Commissioner

Cc: File