



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.

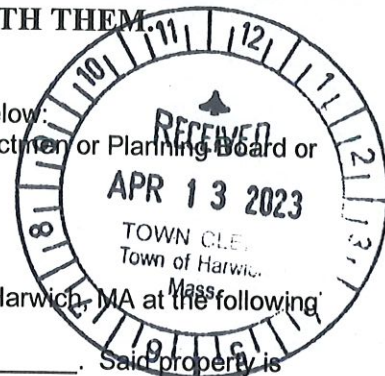
Please refer to the Rules and Regulations of the Town of Harwich Board of Appeals for documentation requirements.

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:

- (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:

3 Osborne Road, Harwich, MA 02645

further described on

Assessor's Map # 4 and Parcel # W1-28-0 located in the RH-1 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 3/23/23
(Written authorization by the owner must accompany all Application signed by agent.)

Owner Name Mark Claflin and Jean S. Claflin

Phone No. 508-432-1643

Mailing Address: 10 Lantern Lane, Lynnfield, MA 01940

Agent Name: William D. Crowell, Esq.

Phone No. 508-432-1643

Mailing Address: 466 Main Street, 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: Mark Claflin and Jean S. Claflin

Address of Property: 3 Osborne Road, Harwich, MA 02645

Zoning District: RH-1

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: 1950

Name/Address of Engineer/Architect: unknown

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

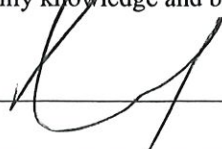
	Required by Bylaw	Existing	Proposed
Lot Area	40,000	9,074	9,074
Frontage	150	190.01	190.01
Front Yard Setback	25	24.8	24.8
Side yard Setback	20	24.8	24.8
Rear Yard Setback	20	45.5	33.3
Any Yard Setback - Specify which: (Front 2)	25	11.6	11.8
Building Coverage	30	(1,369 S.F.) 15.1	(1,654 S.F.) 18.2
Site Coverage	35	(1,600 S.F.) 17.6	(2,100 S.F.) 23.1
Building Height	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			

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: 3/23/23

Owner's Signature: _____ Date: _____

March 20, 2023

We, **Mark Clafin and Jean S. Clafin**, owners of 3 Osborne Road, Harwich, hereby authorize Attorney William D. Crowell to represent us with the Town of Harwich Zoning Board of Appeals.

Mark Clafin and Jean S. Clafin

Jean S Clafin 03/21/23
Mark Clafin 03/21/23





TOWN OF HARWICH
ASSESSORS MAP
 January 2022



See Map 2

10	1
3	4
1	

Mark Claflin
Jean S. Claflin

3 Osborne Road, Harwich

The Petitioners seek a Special Permit to construct an addition to the pre-existing, non-conforming single-family residence as per the Site Plan dated March 20, 2023 by T.S. Land Surveying, Inc. and the Building and Elevation Plans by Robert M Desrosiers, P.E. dba ASAP Engineering dated March 16, 2023, Sheets A1-6.

The existing dwelling is non-conforming at 24.8 feet from Osborne Road which will not change. It is also non-conforming at 11.6 feet from Clifford Road which will become slightly more conforming at 11.8 feet. The northerly setback is 24.8 feet (20 foot min.) and will not change. The easterly setback is presently 45.5 feet and will decrease somewhat to 33.3 feet but will remain conforming (20 foot min.).

The existing building coverage is 15.1% (30% max) and will increase somewhat to 18.2%. The existing site coverage is 17.6% (35% max) and will increase somewhat to 23.1%.

Intensification of existing non-conformities may be allowed by Special Permit from this Board in accordance with the terms of the Gale Case upon a finding that the same will not constitute a substantial detriment to the entire neighborhood.

In the alternative, the Petitioners request a Variance for the aforesaid relief.



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



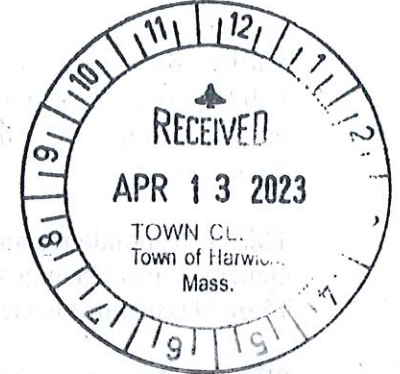
Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class Mail

April 4, 2023

Mark & Jean Claflin
10 Lantern Lane
Lynnfield, MA 01940



Re: Zoning Relief Required
Building Permit Application BP-23-298
3 Osborne Road Harwich, MA (Assessors Parcel ID 4-W1-28-0)
Zoning District RH-1

Dear Mark & Jean Claflin

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by TS Land Surveying, Inc. dated March 20, 2023

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,



Jack Mee
Harwich Building Commissioner

Cc: File



TOWN OF HARWICH

APR 13 2023

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: Zoning Board of Appeals

Date Submitted: April 13, 2023

Applicant's Name: Mark Claflin and Jean S. Claflin

Assessors Map(s) & Parcel(s): 4-W1-28-0

Property Location: 3 Osborne Road, Harwich, MA 02645

Owner(s): Mark Claflin and Jean S. Claflin

Contact Person: William D. Crowell, Esq.

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

Telephone #: 508-432-1643

I hereby certify that the names and addresses on the attached or preceding sheet (s) are of the owners as they appear in the assessing departments most recent computerized tax list

Type of Petition: Special Permit

Assessors Approval By: *William D. Crowell* 4/13/23

INVOICE

This cover sheet is also your invoice.

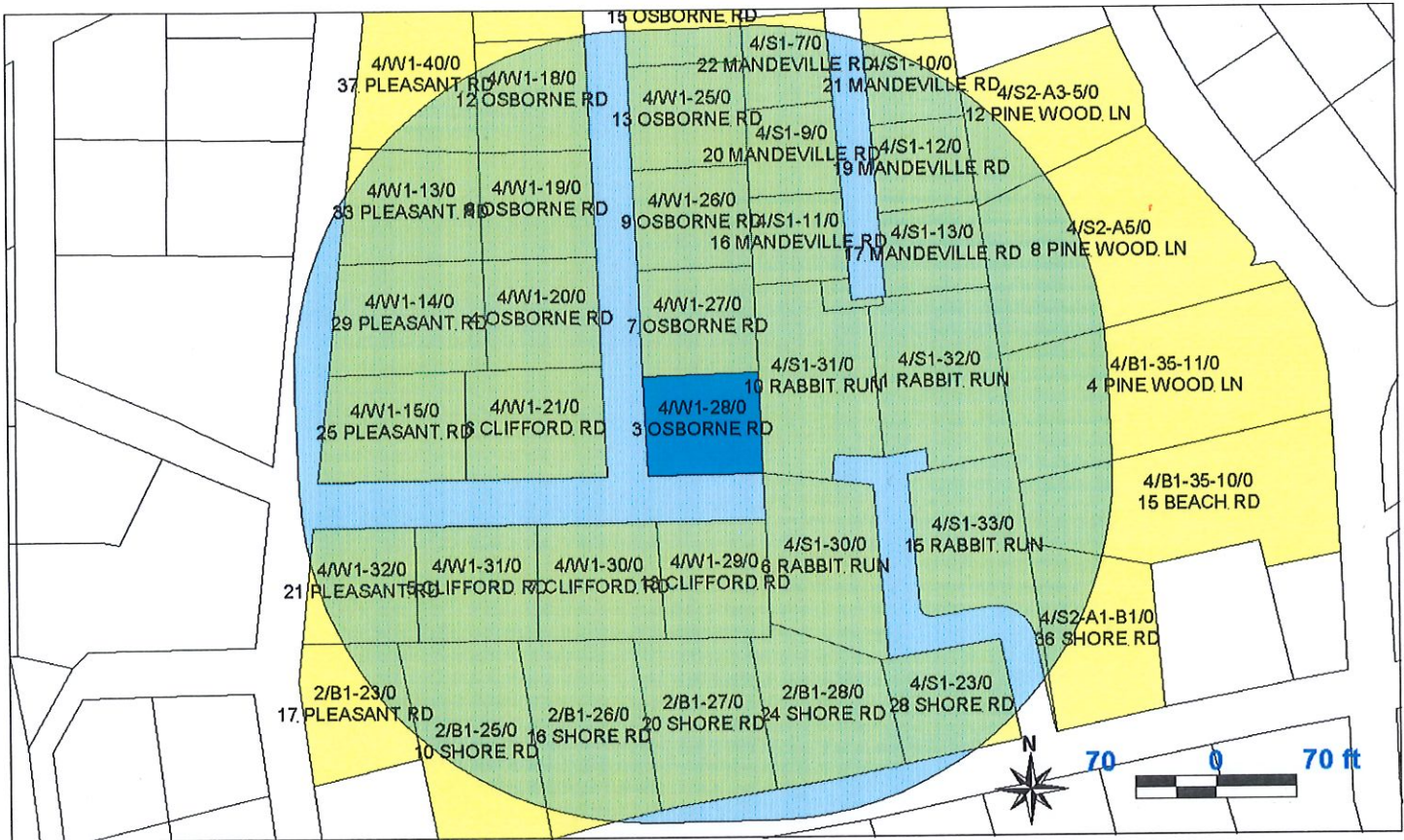
	<u>Amount</u>	<u>Date Paid</u>	<u>Ck #</u>
Up to 25 Abutters	\$50.00	4/13	17064
Additional Abutters _____ @ \$2.00 ea	_____	_____	_____
TOTAL	_____	_____	_____

Make checks payable to: Town of Harwich



TOWN OF HARWICH, MA
 BOARD OF ASSESSORS
 732 Main Street, Harwich, MA 02645

Abutters List Within 300 feet of Parcel 4/W1-28/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
8036	2-B1-23-0-R	MCLAREN PENNY ANN	17 PLEASANT RD	6 LIBERTY TREE LN	SHREWSBURY	MA	01545
8037	2-B1-25-0-R	COZZOLINO JOSEPH A TRS ET AL COZZOLINO EILEEN A TRS	10 SHORE RD	9 WALNUT DR	SOUTHBOROUGH	MA	01745
49	2-B1-26-0-R	KELLY KATHLEEN M	16 SHORE RD	9 RUSSET LANE	ESSEX	CT	06426
51	2-B1-27-0-R	KELLEY GEOFFREY S TRS ET AL KELLEY PATRICIA A TRS	20 SHORE RD	PO BOX 62	W HARWICH	MA	02671
53	2-B1-28-0-R	LUKE MONICA	24 SHORE RD	34 IRVING ST	SOMERVILLE	MA	02144
331	4-B1-35-10-0-R	MITCHELL PETER G TR BEACH ROAD TRUST	15 BEACH RD	5 SHERBROOKE DR	DOVER	MA	02030
8086	4-B1-35-11-0-R	NOONAN KATHLEEN L	4 PINE WOOD LN	9 STATE ST	WELLESLEY	MA	02482
596	4-S1-7-0-R	BALLWAY CLAUDIA JOAN	22 MANDEVILLE RD	22 MANDEVILLE RD	W HARWICH	MA	02671
600	4-S1-8-0-R	IRWIN SUSAN J	23 MANDEVILLE RD	42 GROGAN AVE	QUINCY	MA	02169
608	4-S1-9-0-R	PIERCEY RUTH J TR RUTH J PIERCEY REVOCABLE LIVIN	20 MANDEVILLE RD	483 MOODUS DR	E HAMPTON	CT	06424
612	4-S1-10-0-R	MURRAY CHARLES R & MURRAY ELIZABETH G	21 MANDEVILLE RD	102 CABOT ST	NEWTON	MA	02158
614	4-S1-11-0-R	SHEA DANIEL C TRS ET AL SHEA MARYELLEN TRS	16 MANDEVILLE RD	29 SEQUATTON LN	HARICH PORT	MA	02646
616	4-S1-12-0-R	DONOHUE CATHLEEN M	19 MANDEVILLE RD	2661 AVALON CT APT 102	ALEXANDRIA	VA	22314-1511
618	4-S1-13-0-R	MCHALE EDWARD G & MCHALE EILEEN	17 MANDEVILLE RD	69 RESERVATION RD	MILTON	MA	02186
470	4-S1-23-0-R	RADICE CLAIRE L TR CLAIR L RADICE REV TRUST	28 SHORE RD	180 WHEELER RD	HOLLIS	NH	03049

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
628	4-S1-26-0-R	CRAPULLI MICHAEL & CRAPULLI JANE	0 MANDEVILLE RD	6 DEER GRASS LN	ACTON	MA	01720
629	4-S1-30-0-R	MCGOWAN MARK M J TRS ET AL HARROW SHERYL A M TRS	6 RABBIT RUN	6 RABBIT RUN	W HARWICH	MA	02671
631	4-S1-31-0-R	CRAPULLI MICHAEL J TRS ET AL CRAPULLI JANE E TRS	10 RABBIT RUN	6 DEER GRASS LN	ACTON	MA	01720
633	4-S1-32-0-R	OSHEA KEVIN L & OSHEA NANCY K	11 RABBIT RUN	11 RABBIT RUN	W HARWICH	MA	02671
632	4-S1-33-0-R	AUGUSTINE CAROLANN TRS ET AL AUGUSTINE GREGORY J TRS	15 RABBIT RUN	50 WESTLAND RD	WESTON	MA	02493
8131	4-S2-A5-0-R	DIMATTEO ANDREW R & DIMATTEO DEBORAH B	8 PINE WOOD LN	290 BRIDLE TRAIL RD	NEEDHAM	MA	02492
8132	4-S2-A3-5-0-R	MARENGI ANNE F TR C/O SHERR LISA A TRS ET AL	12 PINE WOOD LN	38 LOCUST ST	LYNNFIELD	MA	01940
648	4-S2-A1-B1-0-R	SHANKMAN MARK J TRS ET AL SHANKMAN JUDITH A TRS	36 SHORE RD	476 BEACON ST UNIT 1	BOSTON	MA	02115
800	4-W1-13-0-R	EDDY JEAN T TR C/O ERICKSON CORNISH JENNIFER	33 PLEASANT RD	9347 VIAGGIO WAY	HIGHLANDS RANCH	CO	80126
801	4-W1-14-0-R	FUNK PAUL A SR LIFE ESTATE	29 PLEASANT RD	29 PLEASANT RD	W HARWICH	MA	02671
802	4-W1-15-0-R	EBERHARDT HENRY EZRA III & EBERHARDT LAURIE E	25 PLEASANT RD	25 PLEASANT RD	W HARWICH	MA	02671
804	4-W1-17-0-R	CASSIDY JOHN & CASSIDY PAULA	16 OSBORNE RD	4 DANA CIR	MILFORD	MA	01757
805	4-W1-18-0-R	STEWART KERRY C TRS ET AL STEWART JENNIFER M TR	12 OSBORNE RD	12 OSBORNE RD	W HARWICH	MA	02671
24964	4-W1-19-0-R	WHITING SHEEHAN CAITLIN TR 8 OSBORNE ROAD REALTY TRUST	8 OSBORNE RD	8 OSBORNE RD	W HARWICH	MA	02671
20046	4-W1-20-0-R	MCCARTHY BARBARA D TR B & R REALTY TRUST	4 OSBORNE RD	4 OSBORNE RD	W HARWICH	MA	02671
808	4-W1-21-0-R	GRAY ELAINE A TR EKAUBE A GRAY TRUST	6 CLIFFORD RD	6 CLIFFORD RD	W HARWICH	MA	02671
811	4-W1-24-0-R	ALLENBY DANIEL EDWARD & ALLENBY SARAH COLLINS	15 OSBORNE RD	8 WHICHITA RD	MEDFIELD	MA	02052
812	4-W1-25-0-R	LAWLER JOHN FX & LAWLER KATHLEEN M	13 OSBORNE RD	32 CARY AVE	MILTON	MA	02186
813	4-W1-26-0-R	SISTERS OF THE GOOD SHEPHERD ATTN: FERNANDES	9 OSBORNE RD	25-30 21ST AVENUE	ASTORIA	NY	11105
814	4-W1-27-0-R	NEWCOMBE ANN J	7 OSBORNE RD	C/O CAROLYN OSBORNE 64 RICHDALE RD	NEEDHAM	MA	02494
815	4-W1-28-0-R	CLAFIN MARK & CLAFIN JEAN S	3 OSBORNE RD	10 LANTERN LN	LYNNFIELD	MA	01940
816	4-W1-29-0-R	GREEN LESTER L & GREEN RUTH TALAMO	13 CLIFFORD RD	7708 GLENNON DR	BETHESDA	MD	20817
817	4-W1-30-0-R	GREEN LESTER L & GREEN RUTH TALAMO	7 CLIFFORD RD	7708 GLENNON DR	BETHESDA	MD	20817
818	4-W1-31-0-R	COLTON CHRISTOPHER T ET AL GIOIA LINDA M	5 CLIFFORD RD	5 CLIFFORD RD	W HARWICH	MA	02671
819	4-W1-32-0-R	FREW JAMES G & FREW KELLY A	21 PLEASANT RD	3780 JARDIN ST	HOUSTON	TX	77005
823	4-W1-40-0-R	LYONS ANDREA A	37 PLEASANT RD	37 PLEASANT RD	W HARWICH	MA	02671