



**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.**

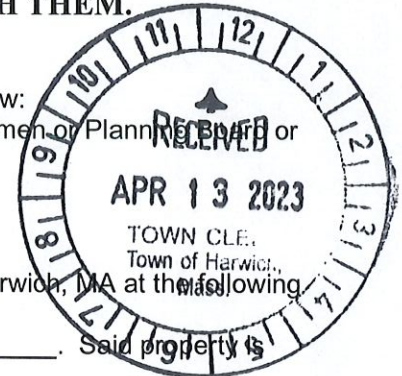
**Please refer to the Rules and Regulations of the Town of Harwich Board of Appeals for documentation requirements.**

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:

625 Route 28, Harwich Port, MA 02646

further described on

Assessor's Map #15 and Parcel # N9-1-0 located in the CV 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 an Application signed by agent.)

Owner Name Wychmere Harbor Holdings LLC-Michael A. Diverio & Michaela A. Diverio (Members)  
Phone No. 508-432-1643

Mailing Address: 29 Swifts Lane, Darien, CT 06820

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) \_\_\_\_\_

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: Wychmere Harbor Holdings LLC

Address of Property: 625 Route 28, Harwich Port, MA 02646

Zoning District: CV

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: Total renovation in 2013

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	5,700	5,700
Frontage	150	75.41	75.41
Front Yard Setback	25	49.9	29.8
Side yard Setback	20	15.8	16.5
Rear Yard Setback	20	10.9	10.7
Any Yard Setback - Specify which: Side		16.6	13.5
Building Coverage	50%	10.9%	21.5%
Site Coverage	80%	35.1%	59.7%
Building Height	30	<30'	<30'
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>			
A. Net Floor Area of the Principal Dwelling			
B. Net Floor Area of the proposed Accessory Apartment			

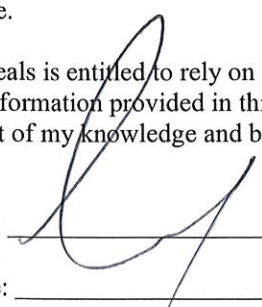
Form of Relief Requested: Special Permit

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: \_\_\_\_\_

# TOWN OF HARWICH

## Building Department

732 Main Street  
Harwich, MA 02645



Telephone: (508) 430-7506

Fax: (508) 430-4703

### Owner Authorization

I, MICHAEL DIVERIO as owner of the property located at  
625 ROUTE 28, HARWICH PORT, MA  
(Property address)

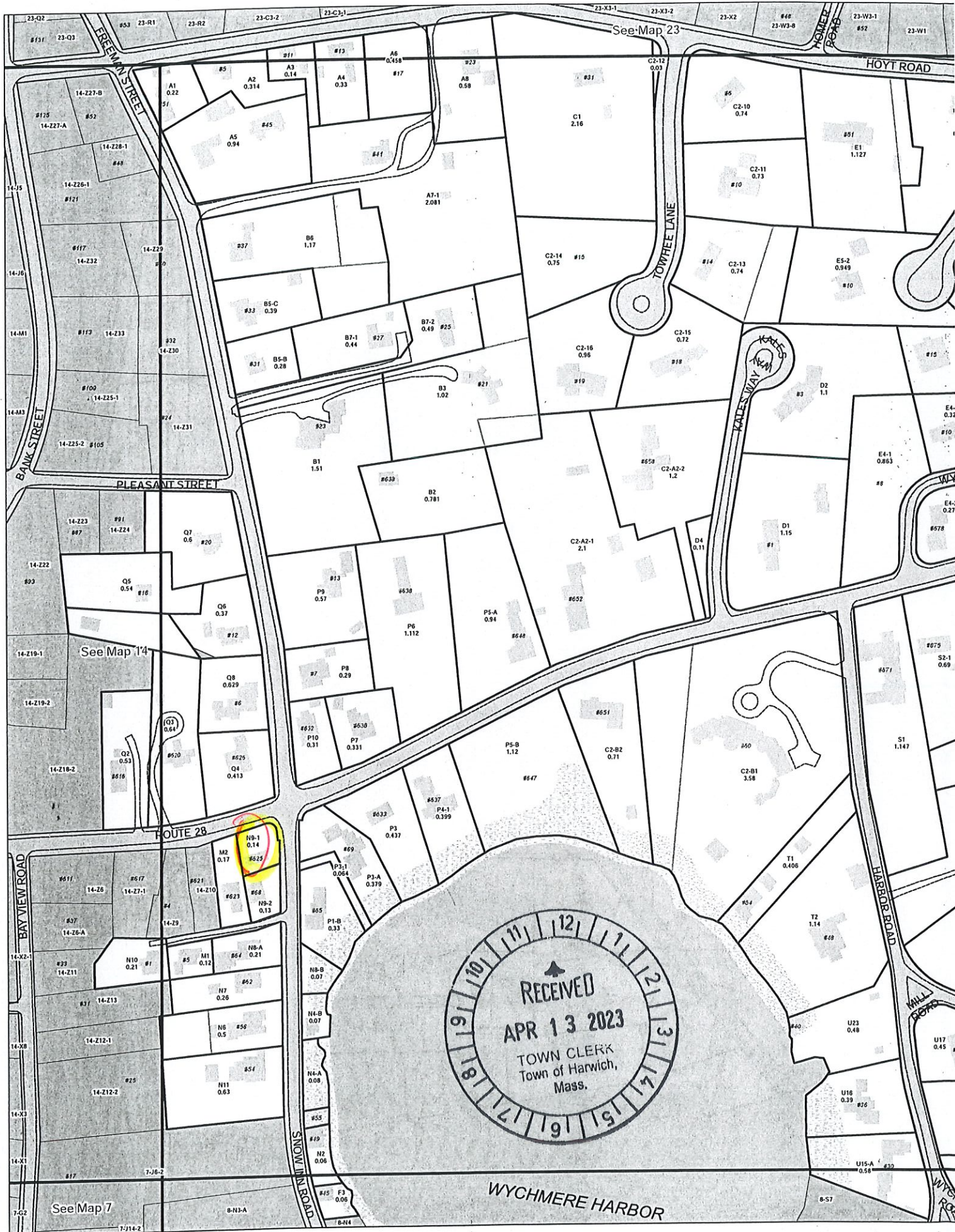
authorize PATRICK AHEARN ARCHITECT LLC & WILLIAM D. CROWELL, ESQ. to act on my behalf  
(Name of contractor/agent)

in all matters relative to work authorized by this building permit application.

Owner's Signature: 

Date: 3/20/2023





Note:  
 These maps are not intended for use in conveyancing or for engineering design purposes. The Town of Harwich and its



**Wychmere Harbor Holdings LLC  
Michael A. Diverio &  
Michaela A. Diverio, Members**

**625 Route 28, Harwich Port**

The Petitioner seeks a Special Permit to demolish and replace the pre-existing, non-conforming structure as per the Certified Plot Plans showing existing and proposed dwelling dated March 15, 2023 by J. M. O'Reilly and Associates, Inc. and the Building and Elevation Plans by Patrick Ahearn Architects, LLC, dated March 17, 2023, Sheets A1.1-A1.3 and A-3.0-3.1.

The existing structure does not have frontage on Snow Inn Road and is currently 49.9 feet from Route 28, which will decrease to 29.8 feet, but is still conforming (25 foot min.). The easterly setback is non-conforming at 15.8 feet but will become more conforming at 16.5 feet ( 20 foot min.). The rear setback is presently non-conforming at 10.9 feet and will become slightly more non-conforming at 10.7 feet (20 foot min.). The westerly setback is currently non-conforming at 16.6 feet and will become somewhat more non-conforming at 13.5 feet (20 foot min.).

The existing building coverage is 10.9% and will increase somewhat to 21.5% but still well below the 50% maximum. The site coverage is presently 35.1% and will increase to 59.7% but still below the 80% maximum.

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



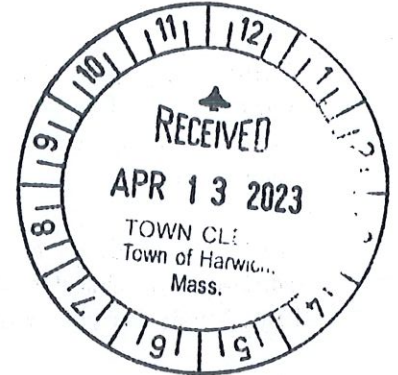
**Telephone: (508) 430-7506**

**Fax: (508) 430-4703**

**By First Class Mail**

April 4, 2023

Michael & Michaela Diverio  
29 Swifts Lane  
Darien, CT 06820



Re: Zoning Relief Required  
Building Permit Application BP-23-305  
625 Route 28, Harwich Port, MA (Assessors' Map 15, Parcel N9-1)  
Zoning District CV

Dear Michael & Michaela Diverio

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by J.M. O'Reilly & Associates, Inc dated March 15, 2023

*Harwich Zoning Bylaw §325-54 "Nonconforming structures and uses."  
Proposed Patio over the property line (?)*

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  
Jack Mee  
Harwich Building Commissioner

Cc: File