



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:

68 Snow Inn Road, Harwich Port, MA 02646. Said property is further described on

Assessor's Map #15 and Parcel # N9-2-0 located in the C-V 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 Michael A. Diverio and Michaela A. Diverio 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) Yes

If yes, the date of original hearing 5/26/21 Petition No. 2021-23 Decision Special Permit Granted

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.

[Handwritten initials]

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: Michael A. Diverio and Michaela A. Diverio

Address of Property: 68 Snow Inn Road, Harwich Port, MA 02646

Zoning District: C-V

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: Approx. 1875

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	7,359	7,359
Frontage	150	88.19	88.19
Front Yard Setback	25	30.2	25.5
Side yard Setback	20	19.2	6.3
Rear Yard Setback	20	7.2	10.0
Any Yard Setback - Specify which: Front 2	25	18.3	10.3
Building Coverage	50%	15.5%	26.9%
Site Coverage	80%	47.9%	47.9%
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: _____

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
68 SNOW INN ROAD, HARWICH PORT, MA
(Property address)

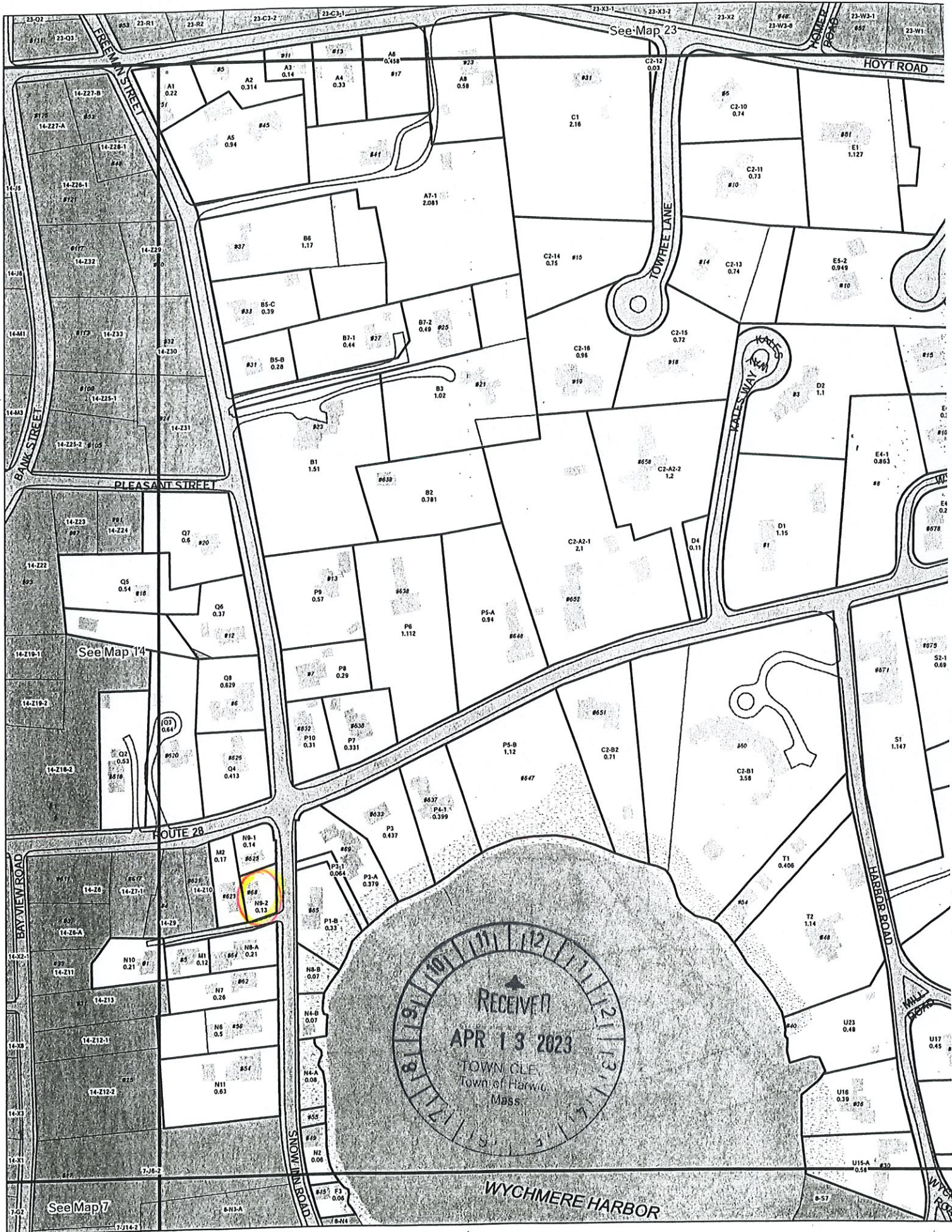
authorize PATRICK AHEARN ARCHITECT LLC & WILLIAM D. CROWELL, ESQ. to act on my behalf
(Name of contractor/agent)

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 conveying or for engineering design purposes. The Town of Harwich and its

Michael A. Diverio
Michaela A. Diverio

68 Snow Inn Road, Harwich Port

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

The front setback from Snow Inn Road on the east is presently conforming at 30.2 feet and will be reduced somewhat, but will remain conforming at 25.5 feet (25 foot min.). The southerly set back from Bay Lane is currently non-conforming at 18.3 feet and will become more non-conforming at 10.3 feet (25 foot min.). The northerly setback is presently non-conforming at 19.2 feet and will become more non-conforming at 6.3 feet (20 foot min.) The westerly setback is presently non-conforming at 7.2 feet and will become more conforming at 10.0 feet (20 foot min.).

The existing non-conforming building coverage is 15.5% and will increase to 26.9% but still well below the 50% maximum. The existing conforming site coverage is 47.9% and will remain the same at 47.9% as two existing driveways will be eliminated.

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



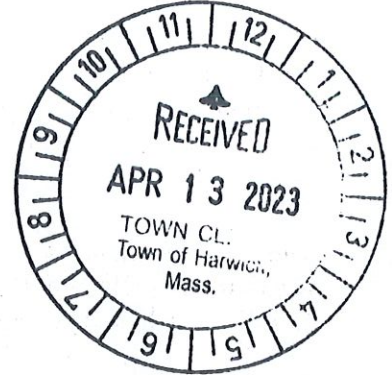
Telephone: (508) 430-7506

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-23-306
68 Snow Inn Road, Harwich Port, MA (Assessors' Map 15, Parcel N9-2)
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

APR 13 2023

ASSESSORS OFFICE



TOWN OF HARWICH
ASSESSORS OFFICE
732 MAIN STREET
HARWICH, MASSACHUSETTS 02645

** 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: Michael A. Diverio & Michaela A. Diverio

Assessors Map(s) & Parcel(s): 15-N9-2-0

Property Location: 68 Snow Inn Road, Harwich Port, MA 02646

Owner(s): Michael A. Diverio & Michaela A. Diverio

Contact Person: William D. Crowell, Esq.

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

Telephone #: 508-432-1643

Type of Petition: Special Permit

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

Assessors Approval By: *[Signature]* 4/13/23

INVOICE

This cover sheet is also your invoice.

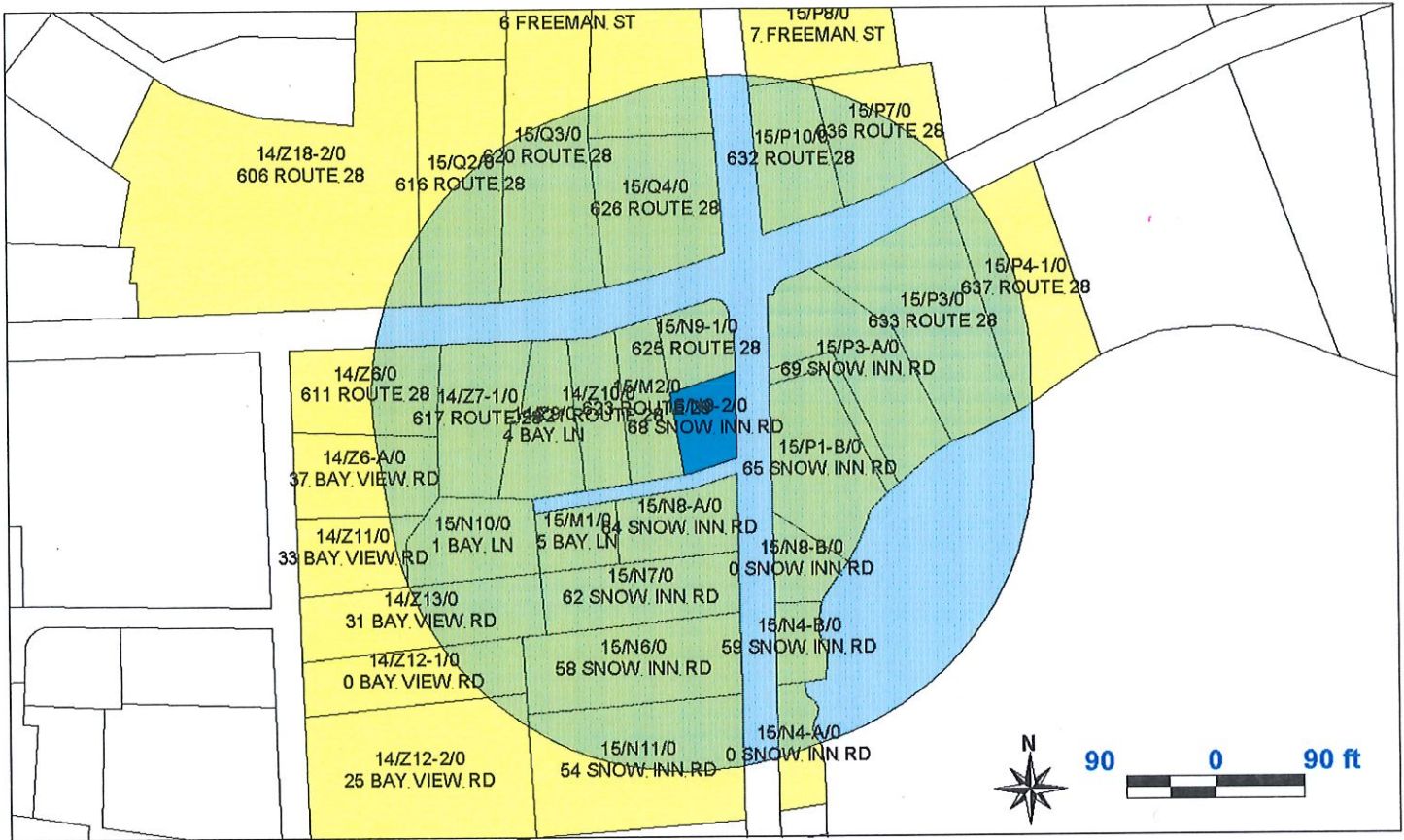
	<u>Amount</u>	<u>Date Paid</u>	<u>Ck #</u>
Up to 25 Abutters	\$50.00	<u>4/13</u>	<u>10789</u>
Additional Abutters _____ @ \$2.00 ea	_____	_____	_____
TOTAL	_____	_____	_____

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 15/N9-2/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
8561	14-Z6-0-R	YOUNG JOSEPH M II & YOUNG KRISTEN B	611 ROUTE 28	611 ROUTE 28	HARWICH PORT	MA	02646
2201	14-Z6-A-0-R	NICKERSON ROBERT ELLIOTT TRS E NICKERSON BARBARA ANN MULLIGAN	37 BAY VIEW RD	37 BAY VIEW RD	HARWICH PORT	MA	02646
27020	14-Z7-1-0-R	NICKERSON ROBERT ELLIOTT TRS E NICKERSON BARBARA ANN TRS	617 ROUTE 28	37 BAY VIEW RD	HARWICH PORT	MA	02646
8562	14-Z9-0-R	ACKERLY NANNETTE G TRS ET AL ACKERLY JOHN F TRS	4 BAY LN	123 SUMMER ST	ARLINGTON	MA	02474
2217	14-Z10-0-R	HUGHES PETER L ESTATE OF	621 ROUTE 28	P O BOX 54	S HARWICH	MA	02661
2220	14-Z11-0-R	MUNRO NANCY M TRS ET AL MUNRO MICHAEL SCOTT TRS	33 BAY VIEW RD	106 LEWIS AVE	WALPOLE	MA	02081
2221	14-Z12-1-0-R	ONEILL RAYMOND G ET AL TR RAYMOND G ONEILL REALTY TRUST	0 BAY VIEW RD	C/O PATRICIA O'NEILL 31 BAY VIEW RD	HARWICH PORT	MA	02646
7965	14-Z12-2-0-R	BALLSTER LLC	25 BAY VIEW RD	910 SO POWERS CT	ATLANTA	GA	30327
2224	14-Z13-0-R	ONEILL RAYMOND G ET AL TR RAYMOND G ONEILL REALTY TRUST	31 BAY VIEW RD	C/O PATRICIA A O'NEILL 31 BAY VIEW RD	HARWICH PORT	MA	02646
17723	14-Z18-2-0-R	SSICP-HP LLC	606 ROUTE 28	PO BOX 1001	DENNIS PORT	MA	02641
8309	15-M1-0-R	OSULLIVAN JOHN U JR TRS ET AL OSULLIVAN PATRICIA P TRS	5 BAY LN	5 WESTGATE RD	WELLESLEY	MA	02481
8543	15-M2-0-R	PEARSTON HEATHER S & VINE GLENN M	623 ROUTE 28	623 ROUTE 28	HARWICH PORT	MA	02646
2181	15-N4-A-0-R	54 SNOW INN ROAD LLC	0 SNOW INN RD	858 NORTHRIDGE COURT	GOLDEN	CO	80401
2182	15-N4-B-0-R	STEEER SERVICES LLC	59 SNOW INN RD	47 COVENTRY LN	BARNSTABLE	MA	02668
2185	15-N6-0-R	AHERN JAMES P & AHERN JILLIAN C	58 SNOW INN RD	20 WEST 64TH ST APT 18RS	NEW YORK	NY	10023

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2186	15-N7-0-R	SNOW INN ROAD LLC	62 SNOW INN RD	534 MAIN ST	CHATHAM	MA	02633
8544	15-N8-A-0-R	EBBEN WILLIAM M TRS ET AL EBBEN PAULA M TRS	64 SNOW INN RD	47 VILLAGE AVE UNIT 209	DEDHAM	MA	02026
8545	15-N8-B-0-R	EBBEN WILLIAM M TR 64 SNOW INN REALTY TRUST	0 SNOW INN RD	47 VILLAGE AVE UNIT 209	DEDHAM	MA	02026
17616	15-N9-1-0-R	WYCHMERE HARBOR HOLDINGS LLC	625 ROUTE 28	29 SWIFTS LN	DARIEN	CT	06820
2187	15-N9-2-0-R	DIVERIO MICHAEL A & DIVERIO MICHAELA A	68 SNOW INN RD	29 SWIFTS LN	DARIEN	CT	06820
11863	15-N10-0-R	POTE MARGERY A	1 BAY LN	9658 LAKESHORE DR	HEGUE	NY	12836
2189	15-N11-0-R	54 SNOW INN ROAD LLC	54 SNOW INN RD	858 NORTHRIDGE COURT	GOLDEN	CO	80401
2190	15-P1-B-0-R	CURTIS ALAN & CURTIS JULIE S	65 SNOW INN RD	6 MACOMBER LN	FRAMMINGHAM	MA	01702
2191	15-P3-0-R	PEDICINI LISA C	633 ROUTE 28	22 LIBERTY DRIVE UNIT 6F	BOSTON	MA	02210
2193	15-P3-1-0-R	DAVIS DAVID M ET ALS BOOTH WILLIAM N & BOOTH MARY D	0 SNOW INN RD	69 SNOW INN RD	HARWICH PORT	MA	02646
2192	15-P3-A-0-R	BOOTH MARY ALLISON DAVIS	69 SNOW INN RD	539 HAMMOND ST	CHESTNUT HILL	MA	02467
8546	15-P4-1-0-R	HENNESSY PETER B & HENNESSY LISA B	637 ROUTE 28	10 GOAT ISLAND PL	SHELDON	SC	29941
2198	15-P7-0-R	GAREAU MICHAEL J & GAREAU EILEEN	636 ROUTE 28	135 FLAGG ST	WORCESTER	MA	01609
2200	15-P8-0-R	ROOT STEPHEN S & ROOT JOANN P	7 FREEMAN ST	7 FREEMAN ST	HARWICH PORT	MA	02646
2204	15-P10-0-R	WEST ALLISON M TRS ET AL WEST ROBERT N TRS	632 ROUTE 28	4 COWINGS COVE	NORWELL	MA	02061
2205	15-Q2-0-R	SCANNELL GERARD F & SCANNELL JOANNE M	616 ROUTE 28	616 ROUTE 28	HARWICH PORT	MA	02646
2206	15-Q3-0-R	CLS PROPERTIES LLC	620 ROUTE 28	20 SUMMIT RD	WELLESLEY	MA	02481
8548	15-Q4-0-R	URBAN BRIAN J & URBAN LAURA G	626 ROUTE 28	626 ROUTE 28	HARWICH PORT	MA	02646
8549	15-Q8-0-R	HUBER SARAH TR STELLA NOEL TRS	6 FREEMAN ST	C/O ABBEY STELLA PARRISH 18 MAUREEN DR	SMITHFIELD	RI	02917