

RECEIVED
TOWN CLERK
HARWICH, MA

282023-29

Case #



3 AUG 24 P 12:48 732 Main Street, Harwich, Massachusetts 02645

TOWN OF HARWICH

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:

39 Wah Wah Taysee Road, Harwich Port, MA 02646. Said property is further described on

Assessor's Map #6 and Parcel # B1-2-0 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 8/23/23
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Dawna S. Levenson and Amy P. Levenson Phone No. 508-432-1643

Mailing Address: 8 Chesterfield Road, Newton, MA 02465

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: Dawna S. Levenson & Amy P. Levenson

Address of Property: 39 Wah Wah Taysee Road, Harwich Port, MA 02646

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 X

If Yes, specify District(s): _____

Year Structure(s) Built: 1929

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	7,500	7,500
Frontage	150'	99.0'	99.0'
Front Yard Setback	25'	26'	26'
Side yard Setback	20'	29.5'	29.7'
2 nd Side Yard Setback	20'	14.5'	14.5'
Rear Yard Setback	20'	17.5'	17.5'
Building Coverage	30%	18%	21.0%
Site Coverage	35%	30.5%	34.5%
Building Height	<30'	29'	29'
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: 8/23/23

Owner's Signature: _____ Date: _____

wcrowell.office1@comcast.net

From: Amy Levenson <aplhoney@gmail.com>
Sent: Monday, August 21, 2023 12:47 PM
To: wcrowell.office1@comcast.net
Cc: paul@muldoonarch.com; dawnalduck@gmail.com; BrendanL@lewisandweldon.com
Subject: approval

We, Dawna S. Levenson and Amy P. Levenson, owners of 39 Wah Wah Taysee Road, Harwich Port, hereby authorize William D. Crowell Esq. to represent us before the Town of Harwich Zoning Board of Appeals regarding the same.

Thank you,

Dawna S. Levenson and Amy P. Levenson

Best,
Amy

Levenson – 39 Wah Wah Taysee Road

The Petitioners request a Special Permit to demolish and replace the pre-existing, non-conforming single-family dwelling as per the Certified Plot Plan by All Cape Septic and Survey dated July 25, 2023 and revised August 18, 2023 and the Building and Elevation Plans by Muldoon Architects LLC dated August 16, 2023 Sheets A0.0, A1.0, A1.1, A1.2, A2.1, A2.2, X1.1, X1.2, and X2.1.

The northerly setback will improve slightly from 29.5 feet to 29.7 feet (20 feet required) but still conforming. The easterly setback is presently non-conforming at 17.5 feet (20 feet required) and will remain the same at 17.5 feet. The southerly set-back is presently non-conforming at 14.5 feet (20 feet required) and will remain the same at 14.5 feet. The westerly setback from Wah Wah Taysee Road is presently conforming at 26.0 feet and will remain the same.

Existing building coverage is 18% (30% maximum) and will still be conforming at 21.0%. Existing site coverage is 30.5% (35% max.) and will remain conforming at 34.5%.

Since new habitable space will be created within the 20 foot setback on the easterly and southerly sides of the proposed dwelling such will constitute an intensification of existing non-conformities. However, as per the findings of the Gale Case this Board has the authority to grant a Special Permit for the same upon a finding that the new dwelling will not constitute a substantial detriment to the entire neighborhood.

In the alternative the Petitioners request a Variance for the above demolition and replacement.

TOWN OF HARWICH

Building Department
732 Main Street
Harwich, MA 02645



Telephone: (508) 430-7506

By First Class Mail

August 23, 2023

Dawna S. and Amy P. Levenson
8 Chesterfield Road
Newton, MA 02465

Re: Zoning Relief Required
39 Wah Wah Taysee, Harwich, MA (Assessor's Map 6, Parcel B1-2)
Zoning District RH-1

Dear Dawna & Amy,

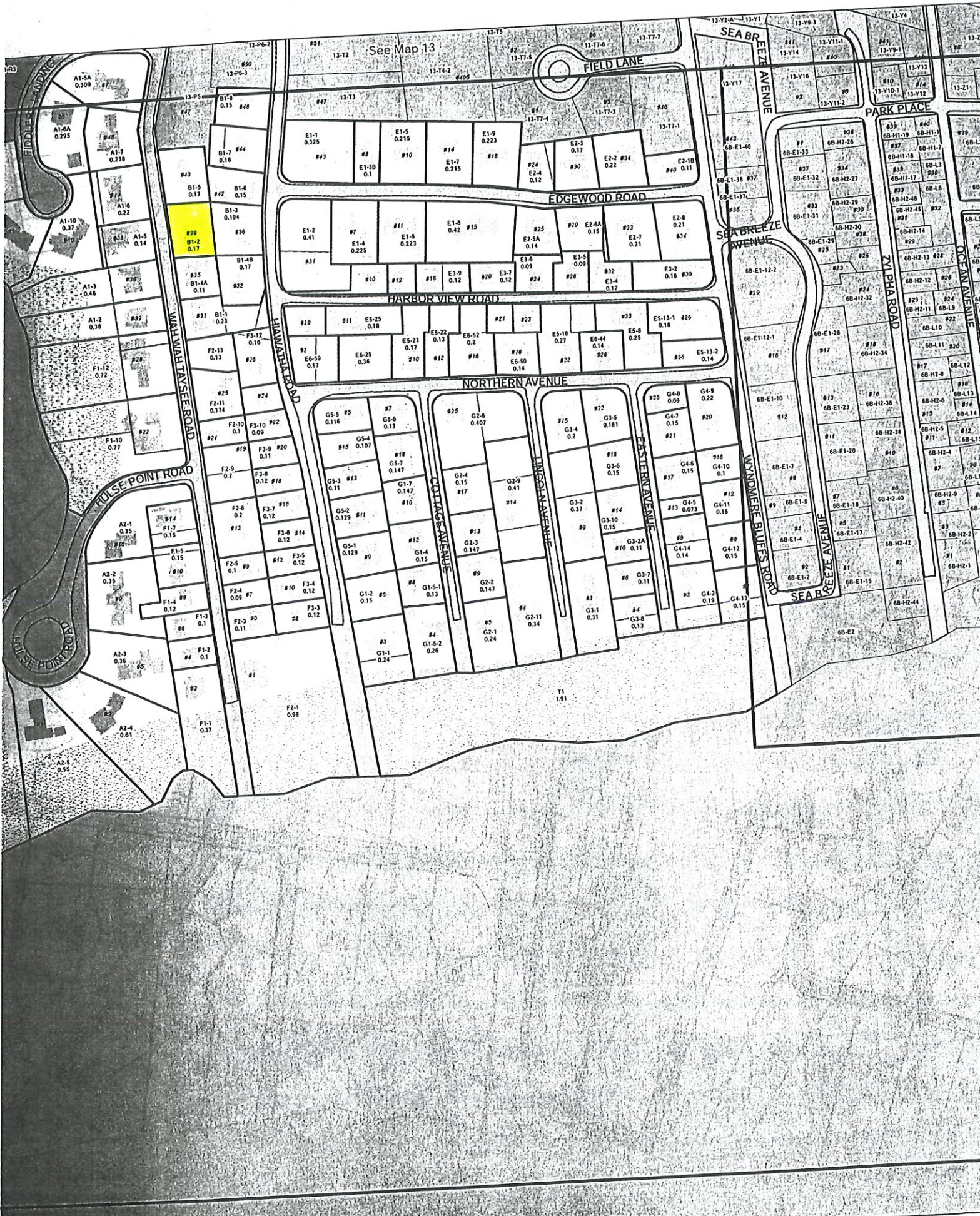
Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Stephen B. Moore PLS. dated August 18, 2023 we cannot issue without relief listed below.

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.

The Town 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.



See Map 13

#20
B1-2
0.17



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

TOWN OF HARWICH

AUG 24 2023

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: August 24, 2023

Applicant's Name: Dawna S. Levenson & Amy P. Levenson

Assessors Map(s) & Parcel(s): 6-B1-2-0

Property Location: 39 Wah Wah Taysee Road, Harwich Port, MA 02646

Owner(s): Dawna S. Levenson & Amy P. Levenson

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: *Carlene Jones* 8/24/2023

INVOICE

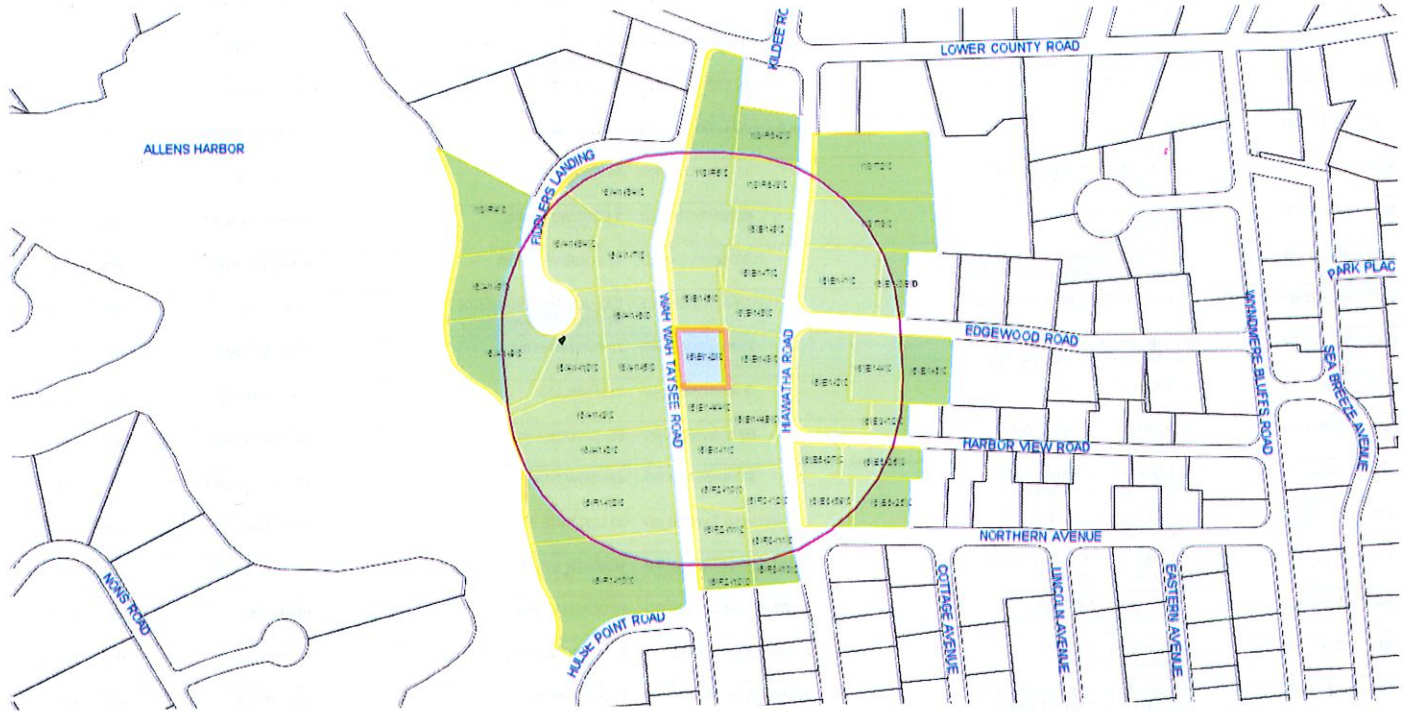
This cover sheet is also your invoice.

	<u>Amount</u>	<u>Date Paid</u>	<u>Ck #</u>
Up to 25 Abutters	\$50.00	8/24/23	11682
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

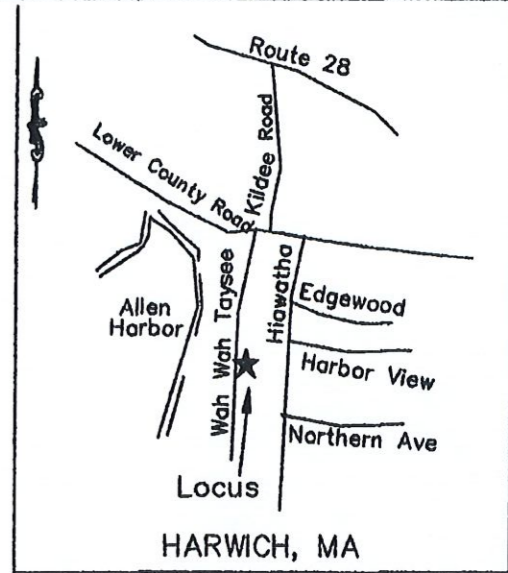
Town of HARWICH Abutters Within 300 feet of Parcel 6/B1-2/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1790	13-P5-0-R	DOYLE EILEEN M	47 WAH WAH TAYSEE RD	16 SHERBROOKE CT	SADDLE RIVER	NJ	07458
1796	13-P6-2-0-R	HARTSHORN FAMILY LLC	54 HIAWATHA RD	25 MILLINGTON RD	NEW SALEM	MA	01355
1807	13-R4-0-R	MORRISON THOMAS C TR ET AL FOUR FIDDLERS LNDG NOM TRUST	4 FIDDLERS LANDING	1491 CAXAMBAS CT	MARCO ISLAND	FL	34145
1827	13-T2-0-R	HOWARD JEFFREY K & SCULLY JOELLEN M	51 HIAWATHA RD	204 MONTEREY AVE	PELHAM	NY	10803
427	6-A1-2-0-R	HELLER SHEILA R TRS ET AL FRANK JENNIFER H TRS	32 WAH WAH TAYSEE RD	177 HAMPSHIRE RD	WELLESLEY	MA	02481
429	6-A1-3-0-R	HELLER IRWIN M TRS ET AL HELLER SHEILA TRS	36 WAH WAH TAYSEE RD	177 HAMPSHIRE RD	WELLESLEY	MA	02181
431	6-A1-5-0-R	RIVARD RAYMOND A & RIVARD SALLEJANE	38 WAH WAH TAYSEE RD	38 WAH WAH TAYSEE RD	HARWICH PORT	MA	02646
433	6-A1-5A-0-R	BRUNELLI MARGARET TR MARGARET BRUNELLI REVOCABLE TR	7 FIDDLERS LANDING	7 FIDDLERS LANDING	HARWICH PORT	MA	02646
449	6-A1-6-0-R	CLARKE CYNTHIA M	44 WAH WAH TAYSEE RD	4 BATTERY WHARF APT #4411	BOSTON	MA	02109
451	6-A1-8-0-R	COUNSELMAN WILLIAM L JR & COUNSELMAN CAROLINE C	5 FIDDLERS LANDING	63 LINCOLN ST	HINGHAM	MA	02043
454	6-A1-9-0-R	WALSH FAMILY INVESTMENTS LP	9 FIDDLERS LANDING	409 HILLBROOK RD	BRYN MAWR	PA	19010
457	6-A1-10-0-R	LISCOCAPE LLC	10 FIDDLERS LANDING	405F DEDHAM ST	NEWTON	MA	02459
491	6-B1-1-0-R	BALLOCH JUDITH & BALLOCH STEVEN	31 WAH WAH TAYSEE RD	31 WAH WAH TAYSEE RD	HARWICH PORT	MA	02646
492	6-B1-2-0-R	MORRIS JEFFREY F & C/O LEVENSON DAWNA S ET AL	39 WAH WAH TAYSEE RD	8 CHESTERFIELD RD	NEWTON	MA	02465
497	6-B1-3-0-R	ROSENBERG ALAN P & ROSENBERG BARBARA J	36 HIAWATHA RD	87 BLUE RIDGE DR	SIMSBURY	CT	06070
498	6-B1-4A-0-R	SIMARD KEVIN J TR ET AL SIMARD LINDA S TR	35 WAH WAH TAYSEE RD	134 FAIRCHILD DR	READING	MA	01867
504	6-B1-5-0-R	APPE STEPHEN C & APPE KAREN C	43 WAH WAH TAYSEE RD	43 WAH WAH TAYSEE RD	HARWICH PORT	MA	02646
508	6-B1-6-0-R	DONOGHUE LIAM K TRS ET AL DONOGHUE KERRY A TRS	42 HIAWATHA RD	18 CREIGHTON AVE	FOXBOROUGH	MA	02035

Subject	Zone: RH-1		
	Existing	Required	Proposed
Lot Area	7,500 SF	40,000 SF	7,500SF
Lot Frontage	99.0'	150'	99.0'
Front Setback	26.0'	25'	26.0'
Side Setback (North)	29.5'	20'	29.7'
Side Setback (South)	14.5'	20'	14.5'
Rear Setback	17.5'	20'	17.5'
Bldg. Coverage	18%	30%	21.0%
Site Coverage	30.5%	35%	34.5%

- 1.) Assessor's Map 6 Parcel B1-2
- 2.) Book 35580 PG 122
- 3.) This property is not in the Zone II Water Protection District
- 4.) This property is in Flood Zone X. Firm Map 25001C0612J 7/16/14



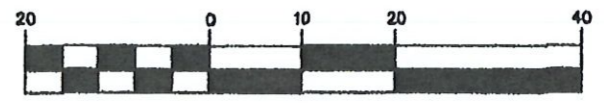
SITE LOCUS
NOT TO SCALE

Owner of Record
Dawna S. Levenson and Amy P. Levenson
8 Chesterfield Road
Newton, MA 02465

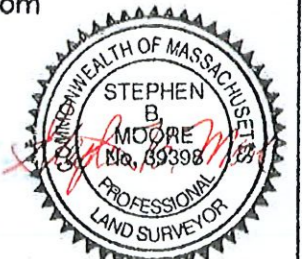
Proposed Raze and Replace Building
located at
39 Wah Wah Taysee Harwich, MA
Prepared by:
Prepared for: All Cape Septic and Survey
Dawna and Amy 618 Route 28
Levenson West Yarmouth, MA 02673
(508) 771-4200
allcapeseptic@gmail.com

July 25, 2023
Revised: August 18, 2023

GRAPHIC SCALE

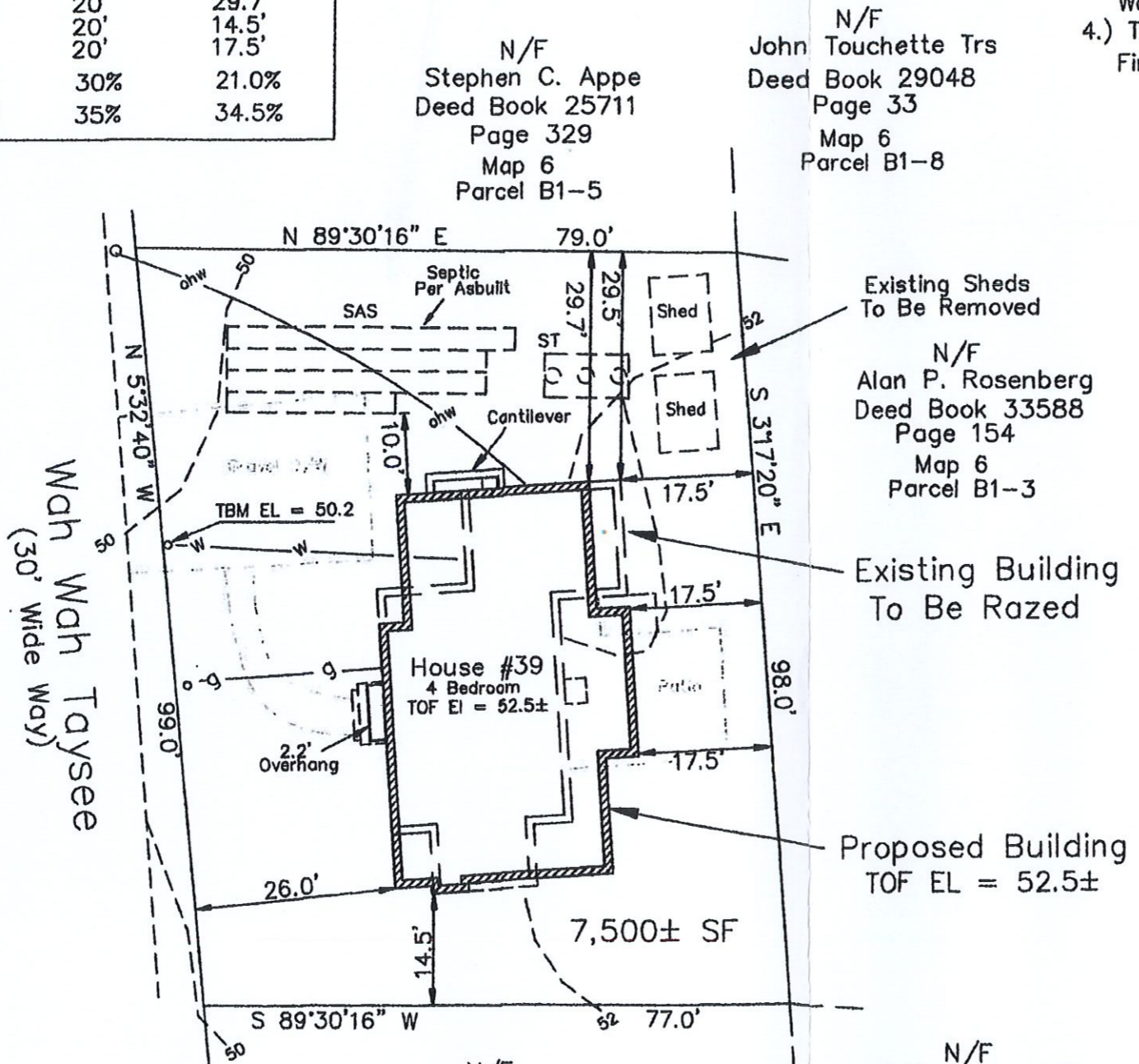


(IN FEET)
1 inch = 20 ft.



8/18/23

Dwg. #556A



N/F
Stephen C. Appe
Deed Book 25711
Page 329
Map 6
Parcel B1-5

N/F
John Touchette Trs
Deed Book 29048
Page 33
Map 6
Parcel B1-8

Existing Sheds
To Be Removed

N/F
Alan P. Rosenberg
Deed Book 33588
Page 154
Map 6
Parcel B1-3

Existing Building
To Be Razed

Proposed Building
TOF EL = 52.5±

N/F
Kevin Simard Tr Et AL
Deed Book 28797
Page 91
Map 6
Parcel B1-4A

N/F
Wallace Howe Trs
Deed Book 32879
Page 89
Map 6
Parcel B1-4B

NOTE:
LOCATION OF UTILITIES IS APPROXIMATE AND ALL UNDERGROUND AND OVERHEAD UTILITIES MUST BE DETERMINED IN THE FIELD PRIOR TO COMMENCEMENT OF ANY WORK, THIS INCLUDES, BUT NOT LIMITED TO, REQUESTS TO DIGSAFE, ANY PRIVATE UTILITY COMPANIES AND THE LOCAL WATER DEPARTMENT.

Levenson Residence

39 Wah Wah Taysee Rd, Harwich MA

Project Status: ZBA Set

07/24/2023

Drawing List - ZBA

Sheet Number	Sheet Name
A 1.0	Proposed Basement Plan
A 1.1	Proposed First Floor Plan
A 1.2	Proposed Second Floor Plan
A 2.1	Proposed Elevations
A 2.2	Proposed Elevations
X 1.1	Existing First Floor
X 1.2	Existing Second Floor



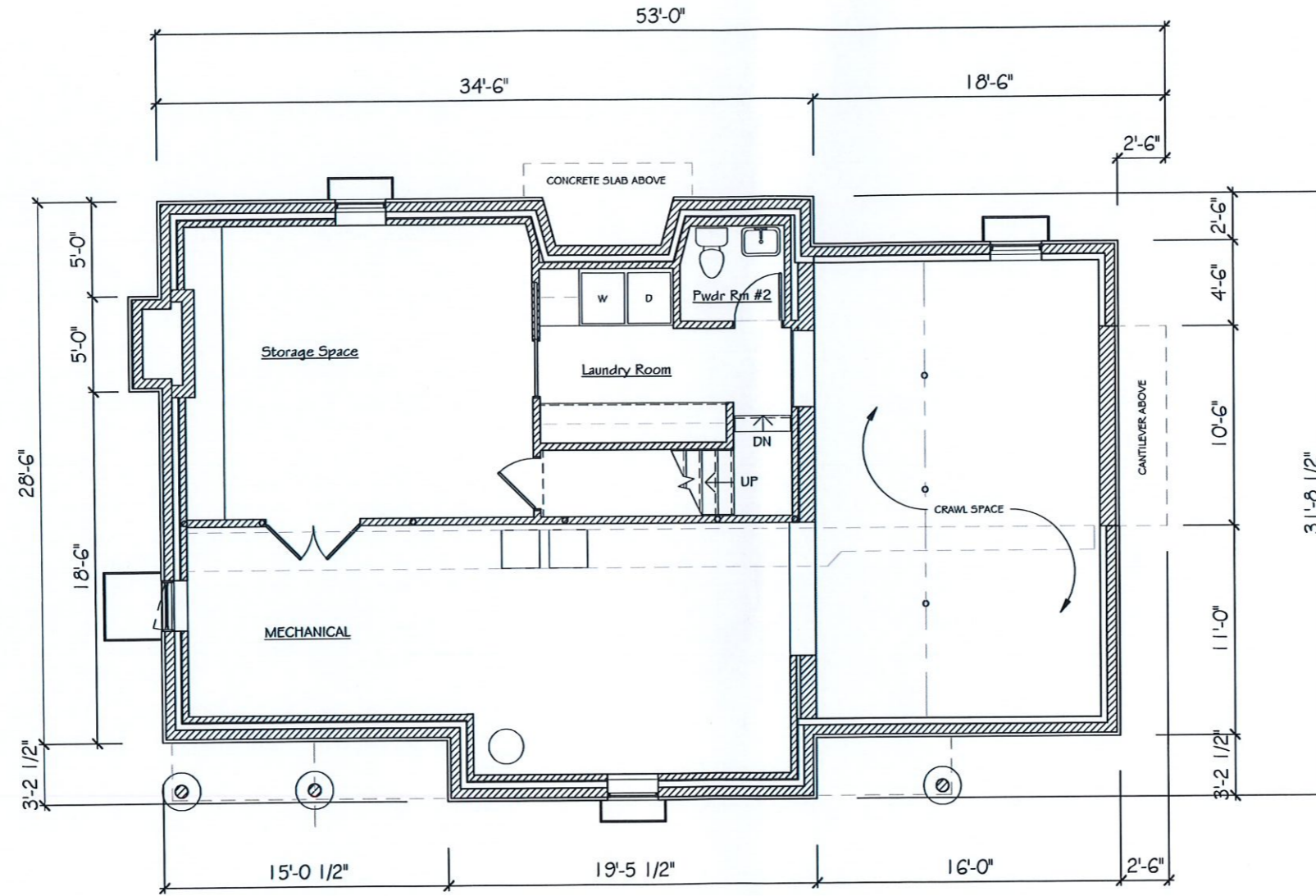
Muldoon Architects llc
 571 MA-28, Harwich Port, MA 02646
 t: 774 . 237 . 9671 www.muldoonarch.com

CoverSheet

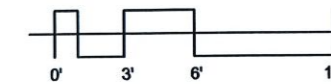
Scale: As Noted
 Date: 08/16/23
 Drawn By: M M

Proposed Renovations to the
Levenson Residence
 39 Wah Wah Taysee Rd, Harwich MA

A 0.0



1 Proposed - Basement Plan
 1/8" = 1'-0"



Muldoon Architects llc

571 Ma-28, Harwich Port, MA 02646
 t: 774 . 237 . 9671 www.muldoonarch.com

Proposed Basement Plan

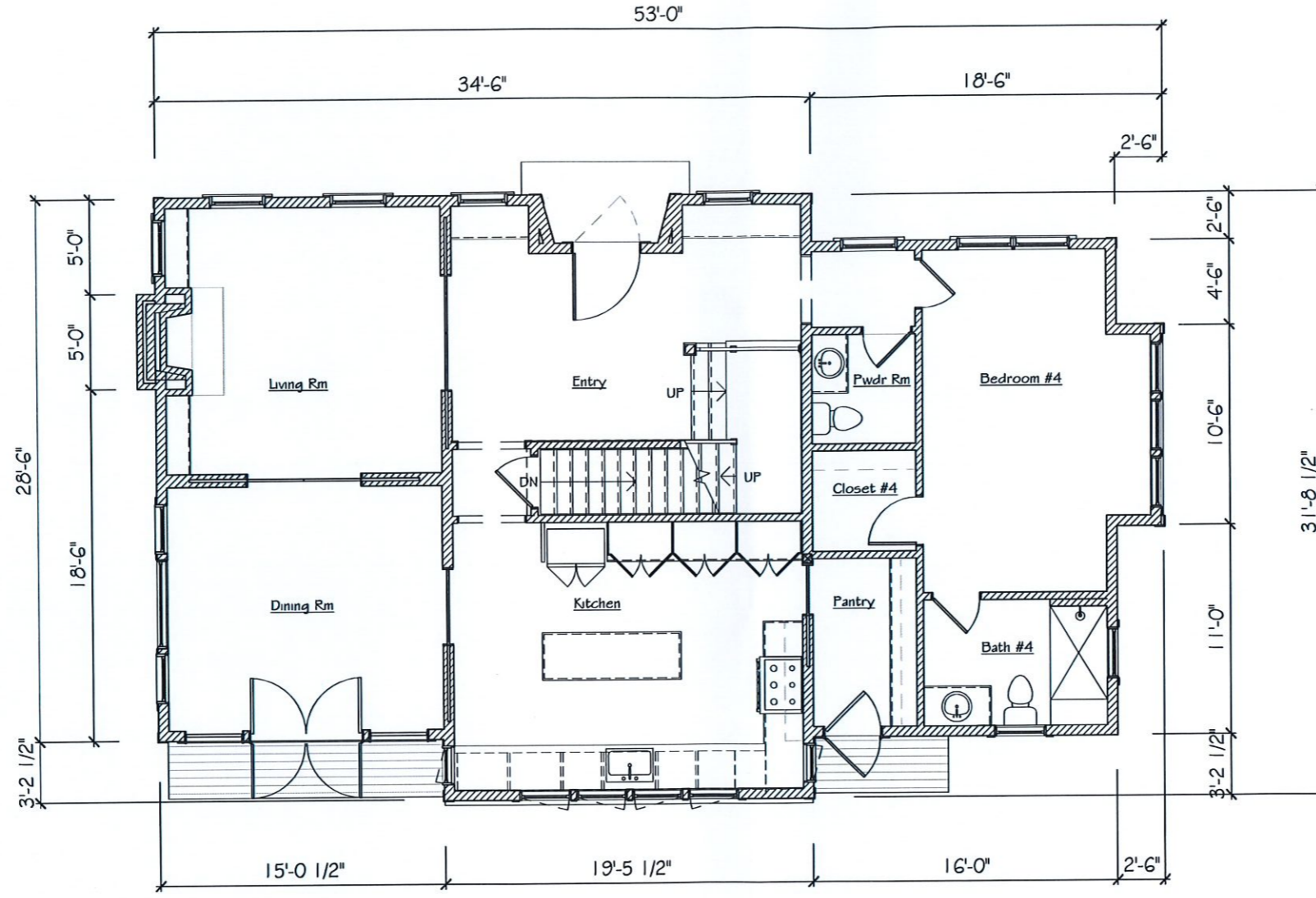
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Date: 08/15/23

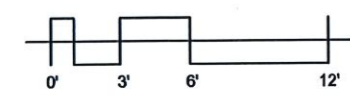
Proposed Renovations to the
Levenson Residence

39 W ah Taysee Rd, Harwich MA

A 1.0



1 Proposed - First Floor Plan
 1/8" = 1'-0"



Proposed Renovations to the

Levenson Residence

39 W ah W ah Taysee Rd, Harwich M A

Proposed First Floor Plan

Scale: As Noted

Drawn BY: M M

Date: 08/16/23

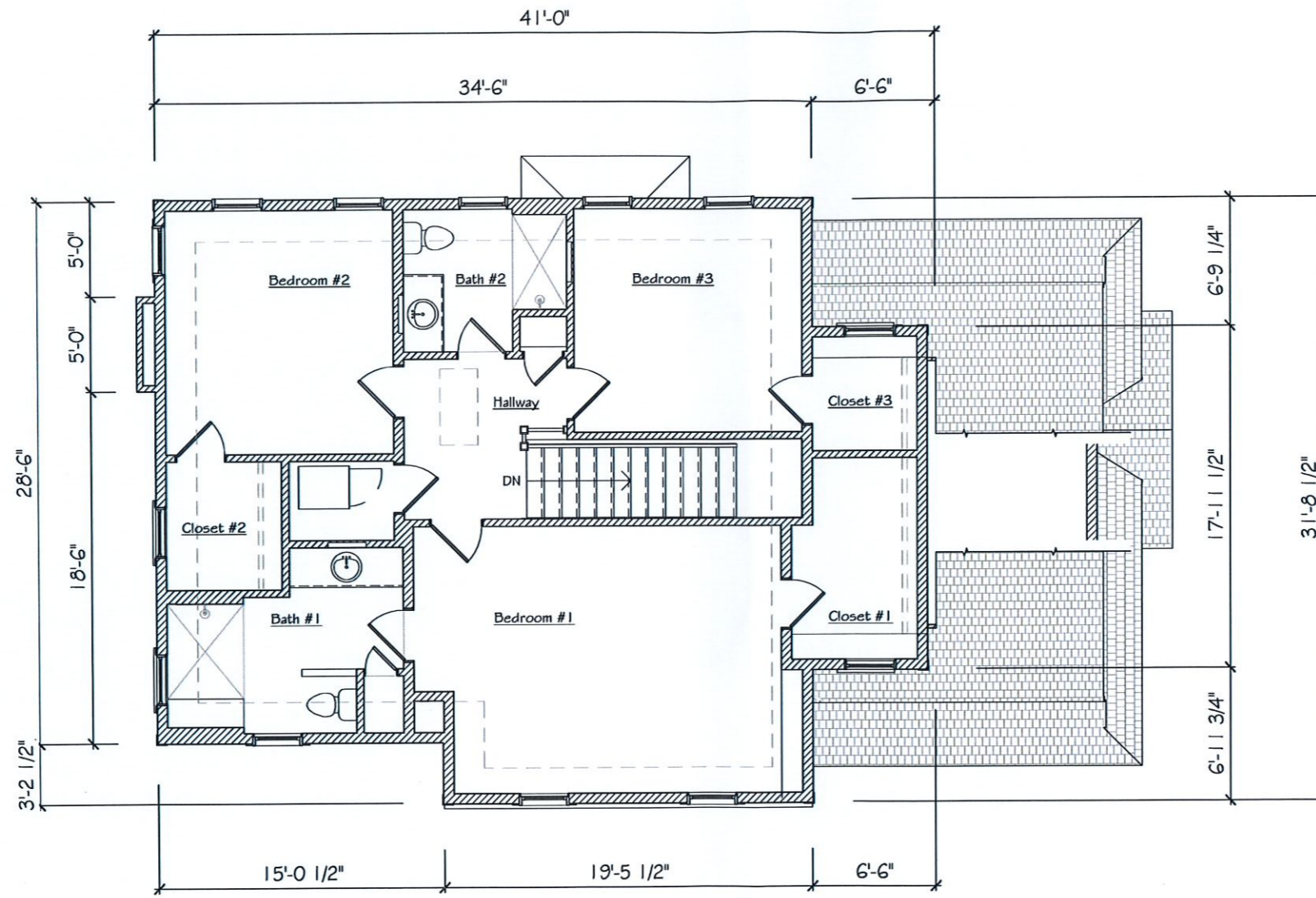
Muldoon Architects llc

571 Ma-28, Harwich Port, MA 02646

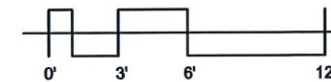
t: 774 . 237 . 9671 www.muldoonarch.com



A 1.1



1 Proposed - Second Floor Plan
 1/8" = 1'-0"



Proposed Renovations to the

Levenson Residence

39 Wahnatoysee Rd, Harwich MA

Proposed Second Floor Plan

Scale: As Noted

Drawn By: M M

Date: 08/16/23

Muldoon Architects Ilc

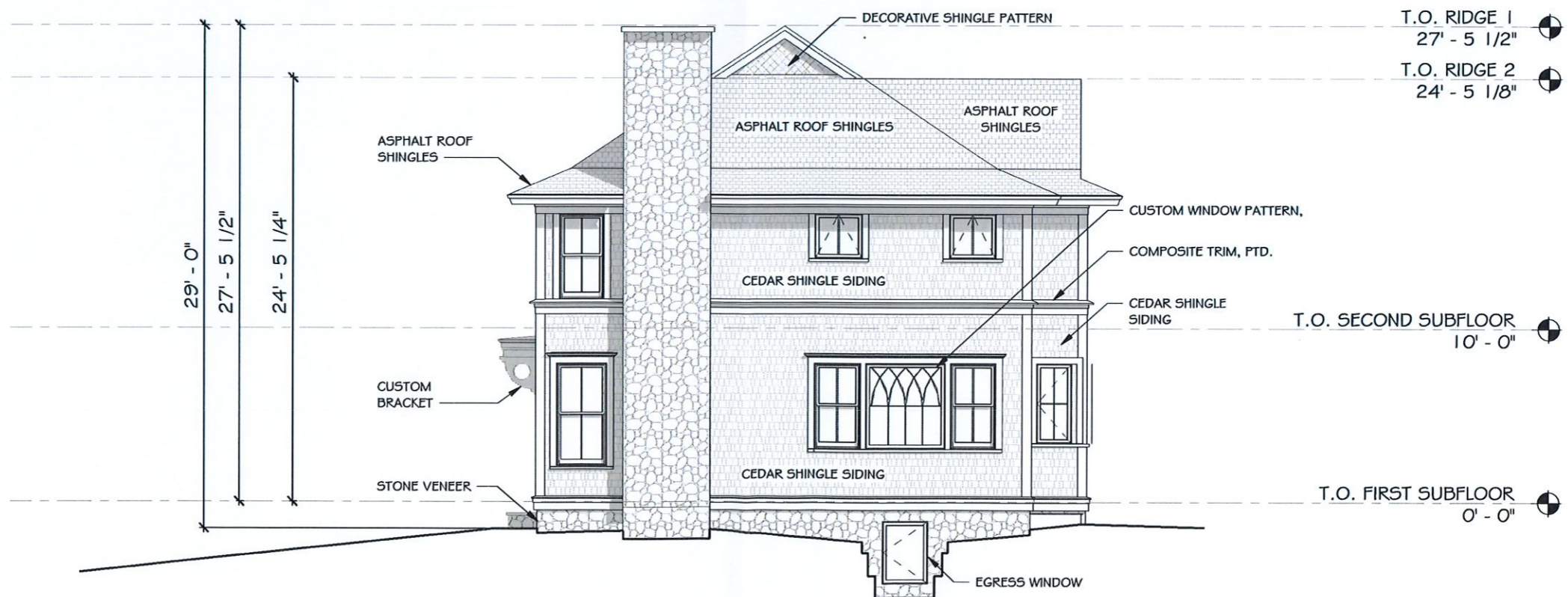
571 Ma-28, Harwich Port, MA 02646
 t: 774 . 237 . 9671 www.muldoonarch.com



A 1.2



1 Proposed - West Elevation
1/8" = 1'-0"



2 Proposed - South Elevation
1/8" = 1'-0"



Muldoon Architects llc
571 Ma-28, Harwich Port, MA 02646
t. 774 . 237 . 9671 www.muldoonarch.com

Proposed Elevations

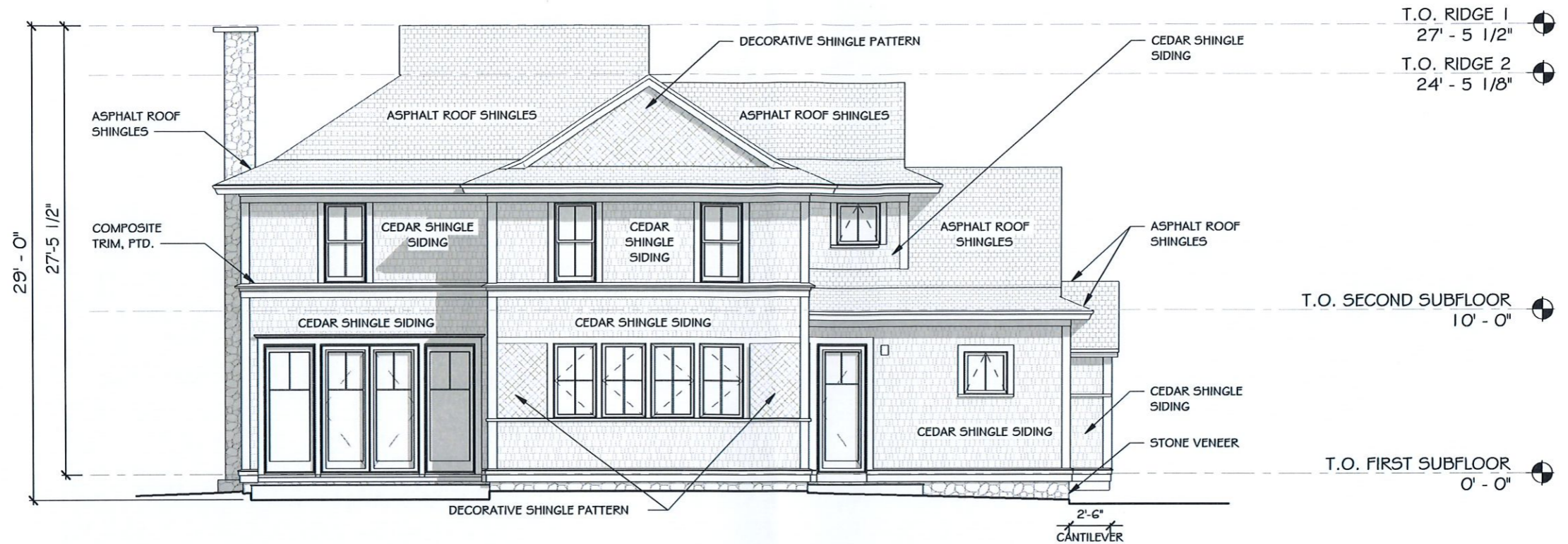
Drawn By: MM

Scale: As Noted

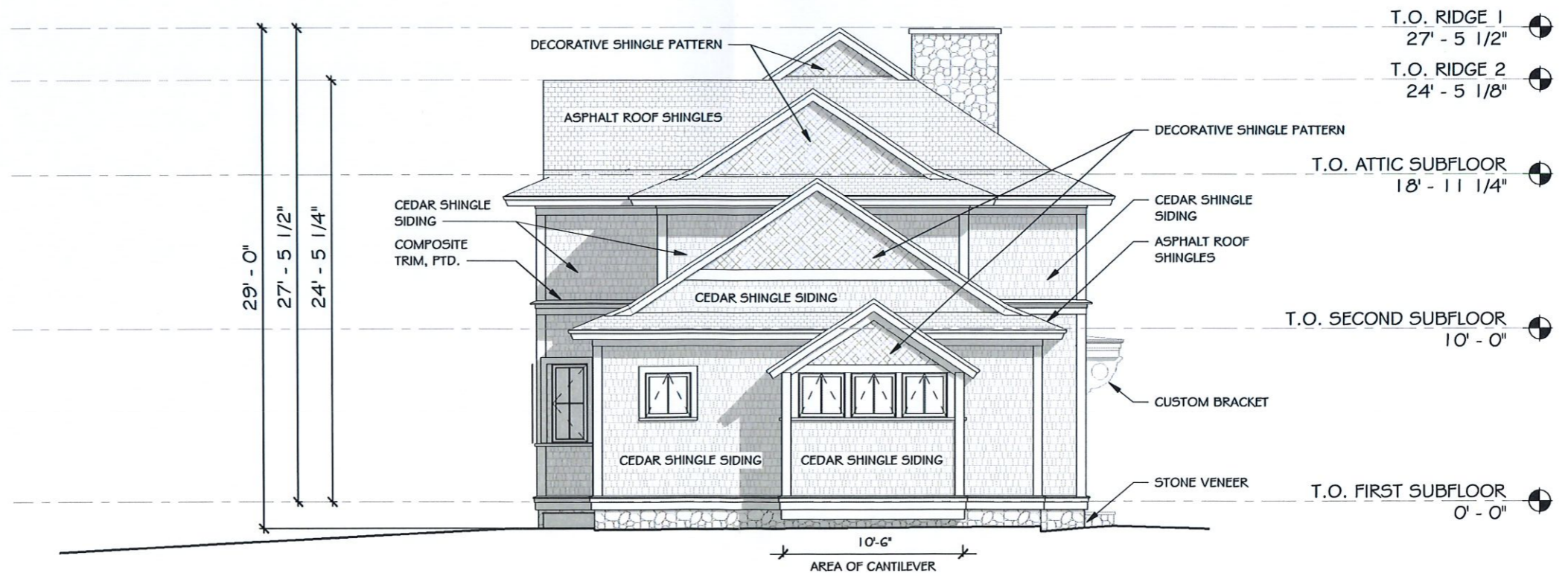
Date: 08/16/23

Proposed Renovations to the
Levenson Residence
39 Wah Wah Taysee Rd, Harwich MA

A 2.1



1 Proposed - East Elevation
1/8" = 1'-0"



2 Proposed - North Elevation
1/8" = 1'-0"

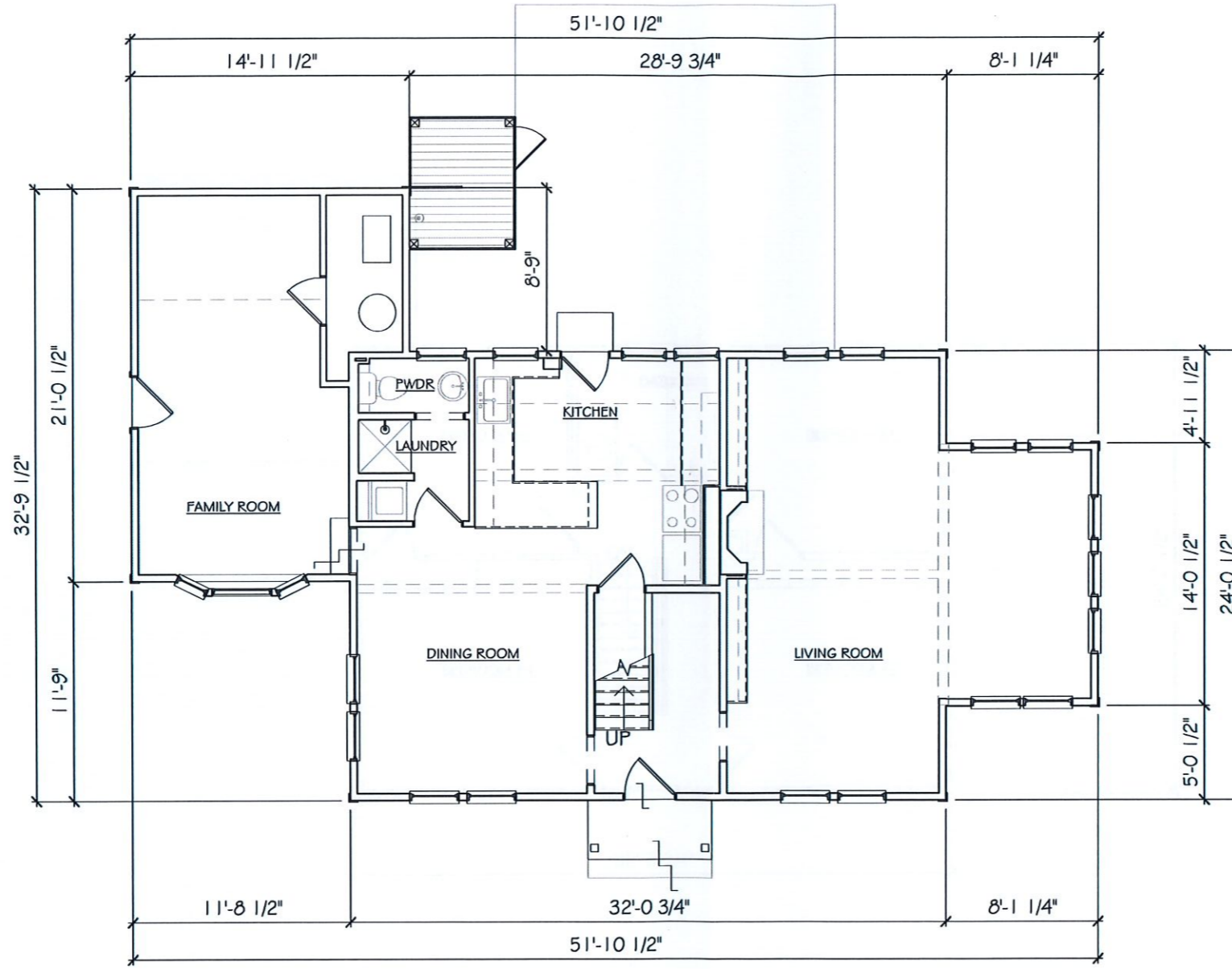


Muldoon Architects 11c
571 Ma-28, Harwich Port, MA 02646
t: 774 . 237 . 9671 www.muldoonarch.com

Proposed Elevations	Drawn By: MM
	Scale: As Noted Date: 08/16/23

Proposed Renovations to the
Levenson Residence
39 Wah Wah Taysee Rd, Harwich MA

A 2.2



1 Existing First Floor Plan
 1/8" = 1'-0"



Muldoon Architects 11c
 571 Ma-28, Harwich Port, MA 02646
 t: 774 . 237 . 9671 www.muldoonarch.com

Existing First Floor Plan

Scale: A.S. Noted
 Date: 08/15/23
 Drawn By: PM

Proposed Renovations to the
Levenson House
 39 W ah Taysee Rd, Harwich M A

X 1.1



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION - FRONT ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



Muldoon Architects llc

571 Ma-28, Harwich Port, MA 02646
t: 774 . 237 . 9671 www.muldoonarch.com

Existing Elevations

Drawn By: Author

Scale: As Noted

Date: 12/05/17

Proposed Renovations to the
Levenson House

39 Wah Wah Taysee Rd, Harwich MA

X 2.1