



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

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

RECEIVED
TOWN CLERK
HARWICH, MA

2023 JAN 23 P 1:24

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:

- Appeal from decision of or refusal of permit application by the Building Inspector, Selectmen or Planning Board or other administrative officer or officers.
- Application for a Variance from requirements of the Harwich Zoning By-Law.
- 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:

5 Bells Neck Road

Said property is further described on

Assessor's Map # 10 and Parcel # G1 located in the RM Zoning District as shown on the attached plan.

Describe
Petition/Appeal: See Attached.

Relief requested - Cite specific Bylaw Section(s): See Attached.

Signature of Owner (or Agent) [Signature]
(Written authorization by the owner must accompany an Application signed by agent.)

Date 1/3/2023

Owner Name John Carey Phone No. 617-921-6161

Mailing Address: 56 Cook Circle Hyannis MA 02601

Agent Name: _____ Phone No. _____

Mailing Address: _____

Has a petition previously been submitted for this property (Y/N) no

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.

Name of Applicant: John Carey
 Address of Property: 5 Bells Neck
 Zoning District: RM

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: 1871

Name/Address of Engineer/Architect: Baxter Nye Engineering

Name/Address of Attorney: _____

Subject	Existing	Required	Proposed
Lot Area (square feet)	29,600 ± SF	40,000 ± SF	29,600 ± SF
Frontage (linear feet)	153 ft ±	150 ft	153 ft
Front Yard Setback (feet)	66 ft ±	25 ft	66 ft
Side yard Setback (feet)	16 ft ±	25 ft	16 ± ft
Rear Yard Setback (feet)	93 ft ±	25 ft	25 ± ft
Any Yard Setback - Specify which:			
Building Coverage (%)	4.5%	N/A	7.8%
Site Coverage (%) (see 325-2)	40.4%	80%	41.7%
Building Height (see 325-2 & 325-108)*	35'	3 1/2 stories / 40'	40'
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.			

Footnote #4
Pre-existing, non-conforming

Relief Requested

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: _____

Owner's Signature: [Signature] Date: 1/3/2023

Carey_ 5 Bells Neck Road, West Harwich

Project Narrative:

The Petitioner seeks to convert a pre-existing, nonconforming structure to multifamily use as shown on Certified Plot Plan by Baxter Engineering dated November 4th, 2022. The Petitioner requires relief by special permit for preexisting, non-conforming structure to remain 16' from side setback as it has sat since 1871. The proposed dwelling will create new habitable space within the required setback, and such will constitute an intensification of existing non-conformities. However, in accordance with the findings of the Gale Case, this board may grant a special permit to intensify non-conformities upon a finding that the same will not constitute a substantial detriment to the entire neighborhood.

Relief Requested:

The existing dwelling is non-conforming as it is too close to the north side setback per multifamily use. Section 325-54 "Nonconforming structures and uses".

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



Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class mail

January 19, 2023

John Carey
56 Look Circle
Hyannis, MA 02601

Re: Zoning Relief Required
5 Bells Neck Road
Harwich, MA (Plan reference PL.BK. 69 PG 10),
Zoning District R-M

Dear John Carey,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Paul E Sweetser Professional Land Surveyor dated August 8, 2022 the following zoning relief is first required:

Harwich Zoning Bylaw §325-54 (A) (7) (b), All other nonconforming structures shall require a variance from the Boards of Appeals pursuant to MGL. C. 40A, s 10 for any alteration/extension or reconstruction.

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