



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:

- 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. (UPDATED)

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:

2173 Route 28, 4 Cove Landing Road, and 2 Swan Drive. Said property is further described on

Assessor's Map #115, 115, & 115 and Parcel # S1-3, R-2, and H-5-2 located in the CH-2 (all) Zoning District as shown on the attached plan.

Describe Petition/Appeal: Applicant seeks to alter pre-existing nonconforming motel/hotel use and amenities coverage.

Relief requested - Cite specific Bylaw Section(s): 325 - 18(E), 325-54 (B)

Signature of Owner (or Agent) By: Marian S. Rose *MSRose* Date 6.26.2023
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name: Round Cove Resort Owner LLC & 4 Cove Landing Road Owner LLC Phone No: c/o Marian Rose 508-398-2221

Mailing Address: 65 East 55th ST., 33rd Floor, New York, NY 10022

Agent Name: Marian S. Rose -- Law Office of Singer & Singer, LLC Phone No. 508-398-2221

Mailing Address: P.O. Box 67 (26 Upper County Rd.) Dennisport, MA 02639

Has a petition previously been submitted for this property (Y/N) Yes

If yes, the date of original hearing 03/28/23 & 04/26/23 Petition No. 2023-05 Decision Continued

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.
- XX** 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: Round Cove Resort Owner LLC & 4 Cove Landing Road Owner LLC

Address of Property: 2173 Route 28, 4 Cove Landing Road, and 2 Swan Drive.

Zoning District: CH- 2

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: 1967 +/-

Name/Address of Engineer/Architect: John Bolgna, Coastal Engineering

Name/Address of Attorney: Marian S. Rose – Law Office of Singer & Singer, LLC -
P.O. Box 67 (26 Upper County Rd.) Dennisport, MA 02639

Subject	Existing	Required	Proposed
Lot Area (square feet)	966,100	282,000	966,100
Frontage (linear feet)	734	150	No change
Front Yard Setback (feet)	Bldg. A - 164	50	134
Side yard Setback (feet)	Bldg. B – 54.7	50	54.5
Rear Yard Setback (feet)	15.9	50	No change
Any Yard Setback - Specify which:	30.4	25	No change
Building Coverage (%)	8.1	30	8.4
Site Coverage (%) (see 325-2)	32.1	35	32.4
Building Height (see 325-2 & 325-108)*	See architect plans	2.5 story; 30'	See architect plans
If this is an Application for an Accessory Apartment, in addition to the above:			N/A
A. Net Floor Area of the Principal Dwelling	N/A	N/A	
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.			

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: _____ Date: _____

Law Office of Singer & Singer, LLC

26 Upper County Road
P. O. Box 67
Dennisport, Massachusetts 02639

Andrew L. Singer
Marian S. Rose

Myer R. Singer (1938-2020)

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Case No. 2023-05
June 26, 2023

Zoning Board of Appeals

Narrative

Property: The proposed project is located at the Wequassett Resort & Golf Club property located at 2173 Route 28, Harwich, MA, and, in a more limited fashion, at an adjacent property, 4 Cove Road, which will be merged by 81X plan with the 2173 Rt. 28 and 2 Swan Drive parcels shortly (the "Property".) Both 2173 Rt. 28 and 4 Cove Road addresses are located in the RH-2 zoning district. The Property contains an allowed hotel/motel use and, as merged, an existing and unchanged residential use. All three parcels were calculated as a merged property for purposes of determining dimensions as shown in the zoning table on submitted plans. It is the intent of the Applicant to record an 81X plan memorializing the merger as soon as the plan is completed.

Proposed Project: The project includes re-development of existing one-story buildings (#1, #2, and #11 as proposed two-story buildings, A, B, and K respectively) on the Property and hardscape/landscape improvements that run along Round Cove, the affected buildings, and the parking area adjacent to Rose Cottage (Building #20), north of proposed Buildings A and B. The existing hotel use for the structures, existing and proposed, will increase by twelve units (4 new second floor guest units per building for a total of 12 new units). The focus of the project is to increase the number and quality of hotel guest units while ensuring that the project is sited and redeveloped with care towards sensitive environmental resources and providing generous screening for neighbors.

The existing dry-laid brick paths between affected buildings will be relocated where necessary and grading and retaining walls will be employed in response to the adjusted building, walkway, and parking locations. Additional accessible parking stalls will be constructed in the existing parking areas. The proposed work is focused in the areas surrounding Buildings A, B, and K, and other parts of the Resort will not be affected by this work. The 4 Cove Landing structure and its residential use will not be altered.

Amended Relief Requested: The Applicant is seeking a Special Permit to alter the existing hotel/motel use in addition to its previously requested Special Permit request to minimally increase the pre-existing nonconforming amenities coverage as required under Harwich Zoning By-Law sections 325-54(B) in order to complete the proposed work. The amenities coverage will increase by less than .1 % (231,194 s.f. existing (23.9%) to 232,042s.f. proposed (net increase of 842 sf).