



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

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

2B2022-19
Case #

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2022 MAR 2 1:36

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 of this 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:

25 CROSS ST. Said property is further described on

Assessor's Map # 14 and Parcel # S5 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 CORRESP. OF BLDG. COMM.

Signature of Owner (or Agent) [Signature] Date 3/12/22
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name MATTHEW C. + PAMELA A. MENZEL Phone No. 508-432-1643

Mailing Address: 60 LAKEWOOD AVE., HOBOKEN, NJ 07423

Agent Name: M.M.D. CROWELL, ESQ Phone No. 508-432-1643

Mailing Address: 466 MAIN ST, 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 incomplete Applications may result in a delay in processing your appeal/Application and may result in a denial by the Board without consideration of the merits of the appeal/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 this 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 MGL and the Harwich Zoning Bylaws.
- 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.

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APPLICATION CHECKLIST ADDENDUM

This Addendum must be completed in full by the Applicant and is a part of the Application.

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Name of Applicant: MATTHEW + PAMELA MENZEL

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Address of Property: 85 CROSS ST.

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

If Yes, specify District(s): -

Year Structure(s) Built: 1950

Name/Address of Engineer/Architect: UNK

Name/Address of Attorney: W.M.D. CROWELL, 466 MAIN ST., HARWICH PORT, MA 02646

	Required by Bylaw	Existing	Proposed
Lot Area	40,000	12,606	12,606
Frontage	150	211.47	211.47
Front Yard Setback	25	43.6	42.9
Side yard Setback	20	2.1	4.5
2 nd Side Yard Setback	20	N/A	N/A
Rear Yard Setback	20	42.9	26.0
Building Coverage	20%	15.79%	17.39%
Site Coverage	35%	31.0%	33.79%
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: SPEC. PERM.

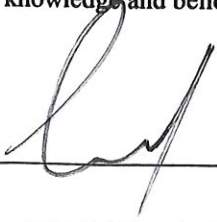
If the Applicant is requesting a Variance, state the hardship which the Applicant believes justifies this form of relief in accordance with MGL Chapter 40 and the Harwich Zoning Bylaw:

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.

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Applicant's Signature:  Date: 3/12/22

Owner's Signature: _____ Date: _____

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

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Telephone: (508) 430-7506

Fax: (508) 430-4703

By First Class Mail
February 15, 2022

Matthew & Pamela Menzel
60 Lakewood Ave
Hohokus, NJ 07423

Re: Zoning Relief Required
Building Permit Application No. BLD-22-001246
25 Cross Street, Harwich Port, MA 02646 (Assessor's Map 14 Parcel S5)
Zoning District RM

Dear Mr. & Mrs. Menzel:

Please be advised that as a condition to issuance and upon review of your building permit application for a residential accessory building without bedrooms per § 325: Table 1, Use 1a, which is referenced above, your proposal as submitted to demolish and replace a pre-existing, non-conforming accessory garage at the subject property, at this time, must be denied.

This project is being denied based on information provided by you including Structural and Elevation plans by Thomas A. Moore Design Co, dated 2/7/2022 and a Site Plan by Moran Engineering Assoc., LLC., dated 2/2/2022. Your proposal as submitted is not conforming to the following section of the Harwich Zoning By-Law.

§ 325: Table 2, Area Regulations and §325-54A(2)

Relief is required from the Zoning Board of Appeals pursuant to §325-54 in order to proceed with this project, which is located in the RM Zoning District. In accordance with the provisions of the Zoning By-Law, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

Should you desire to proceed with the project, you must apply forthwith 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 maintained in the offices of the Town's Building and Planning Departments.

Your building permit application shall be deemed 'incomplete' and the time period to review and issue such permit suspended until such time as you apply for and obtain such zoning relief; the written zoning decision is issued and filed with the Town Clerk; the applicable appeal period elapses; and you provide the Building Department a copy of the Board's written zoning decision as recorded with the Barnstable Registry of Deeds or, to the extent applicable, as filed with 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 agency with zoning, or both.

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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,



Robert Piccirilli
Building Commissioner

Cc: File

21 December 2021

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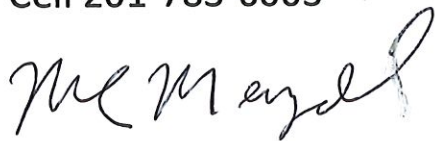
To whom it may concern,

My wife and I have retained William D Crowell for legal services related to our property at 25 Cross Street, Harwichport Massachusetts. This includes signing authority for any legal documentation as well as presenting on our behalf.

If anyone needs further clarification, we can be reached at the following:

Matthew C. Menzel

Cell 201-783-6003



Pamela A. Menzel

Cell 201-739-0722



60 Lakewood Ave

HoHoKus, NJ 07423

Menzel – 25 Cross Street

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The Petitioners seek a Special Permit to demolish and replace the existing garage with a new garage as per the Proposed Conditions Plot Plan by Moran Engineering Assoc, LLC, dated February 2, 2022 and the Building and Elevation Plans by Thomas A. Moore Design Co., dated February 7, 2022. The existing garage which is accessory to the existing single-family residence is 2.1 feet from the southeasterly lot line and the proposed garage will be set back somewhat further to 4.5 feet, and will be larger dimensionally as shown on said plans together with a deck on the south side. The existing building coverage is 15.7% and will increase slightly to 17.3% (20% Max) and the existing site coverage is 31% and will increase slightly to 33.7% (35% max).

Although the proposed garage will be set back further from the lot line there will be new structure within the required 20 foot setback as the proposed garage is somewhat larger and will have a deck on the south side. However, in accordance with the findings of the Gale Case this Board may grant a Special Permit for the same upon a finding that the proposed construction will not constitute a substantial detriment to the entire neighborhood.

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



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