



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

ZONING BOARD OF APPEALS

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

282022-20
Case #
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HARWICH, MA
2022 MAR 24
1:31

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:

16 RESTARIT RD. Said property is further described on

Assessor's Map # 62 and Parcel # K18 located in the RR Zoning District as shown on the attached plan.

Describe

Petition/Appeal: SEE ATTACHED

Relief requested - Cite specific Bylaw Section(s):

SEE CORRESP. FROM BLDG COMM. ATTACHED

Signature of Owner (or Agent) W.D. Crowell Esq. for Jas. W. & Patricia R. Kuhl Date 3/12/22
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name JAS. W. + PATRICIA R. KUHLE Phone No. 508-432-1643

Mailing Address: 116 WOLCOTT TER., SYRACUSE, NY 13207

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

Mailing Address: 466 MAIN ST., HARWICHPORT, 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/APEAL 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):

- 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.
  
- 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.**
  
- 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
  
- Certified Abutters List**
  
- 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: JAS. + PATRICIA KUHL

Address of Property: 16 RESTAURANT RD.

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Zoning District: RR

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: ~ 1973

Name/Address of Engineer/Architect: UNK

Name/Address of Attorney: WM D. CROWELL, 466 MAIN ST., HARWICHPORT, MA 02646

	Required by Bylaw	Existing	Proposed
Lot Area	40,000	10,000	10,000
Frontage	150	100	100
Front Yard Setback	25	30.2	26.1
Side yard Setback	20	16.4	16.4
2 <sup>nd</sup> Side Yard Setback	20	23.7	23.7
Rear Yard Setback	20	29.5	29.5
Building Coverage	15%	14.5%	15%
Site Coverage	25%	24%	24.5%
Building Height	< 30	< 30	< 30
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>			
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.

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

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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## 16 Restabit Road – Kuhl

The Petitioners seek a Special Permit to demolish the existing carport and replace it with a sunroom and storage room as per the Certified Plot Plan by Terry A. Warner, dated August 27, 2020, revised October 7, 2020 and revised January 10, 2022, and the Building and Elevation Plans by Mark A. McKenzie dated February 21, 2022, Sheets A1-11. The existing carport is 16.4 feet from the southwest lot line and is therefore non-conforming. The proposed sunroom will be constructed on the same footprint together with a small storage room on the front towards Restabit Road. The setback will be maintained at 16.4 feet, the building coverage will increase slightly from 14.5% to 15% (15% maximum) and the site coverage will increase slightly from 24% to 24.5% (25% maximum). Although the existing setback will be maintained and the building and site coverage will be conforming the proposed construction will add habitable space within the 20 foot setback requirement. 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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**Sharon at Atty William Crowell**

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**From:** James Kuhl [jwkuhl3@gmail.com]  
**Sent:** Monday, March 14, 2022 5:59 PM  
**To:** Sally at William D. Crowell; Bill Crowell Office; Pat Kuhl  
**Subject:** William Crowell Authorization

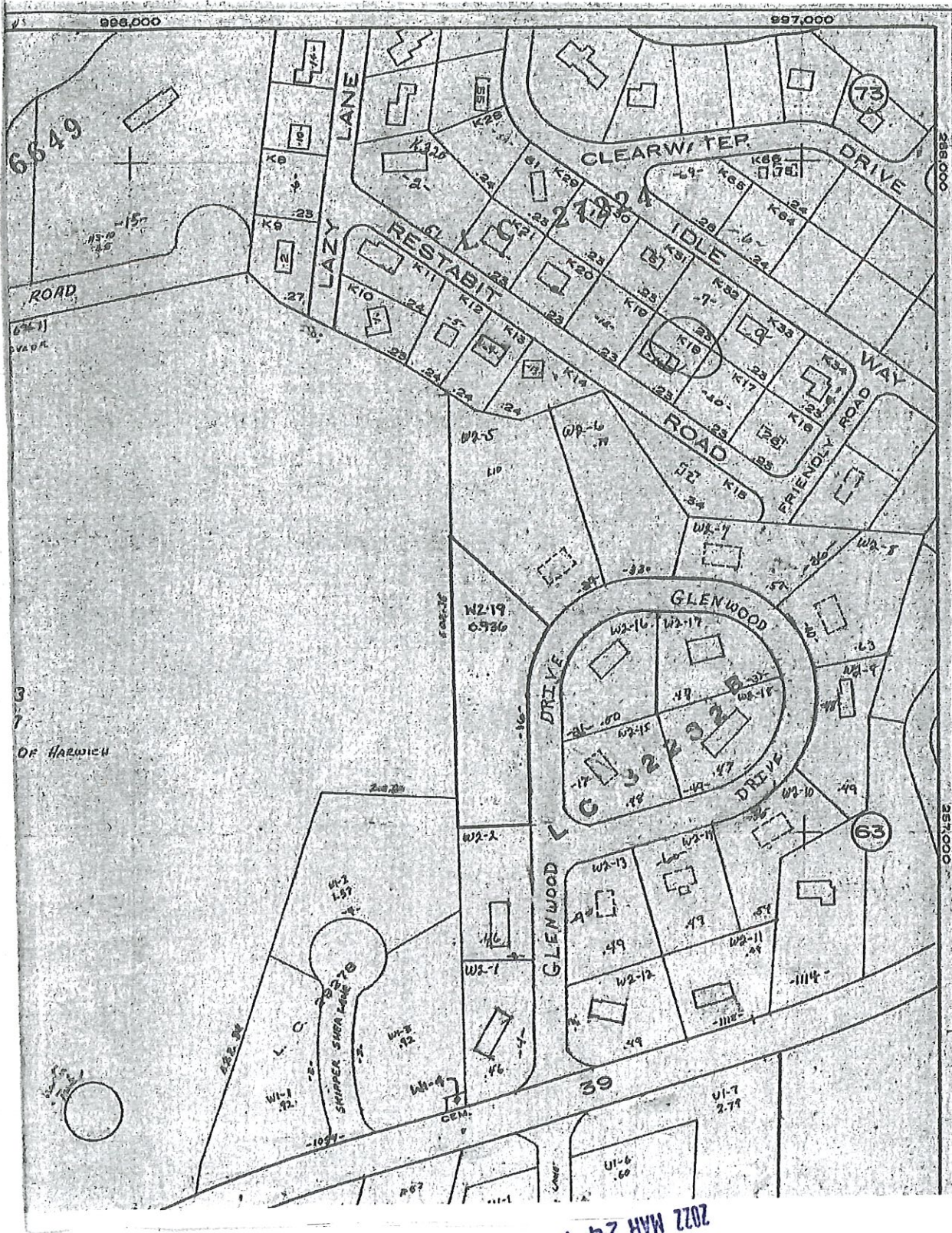
March 14, 2022

To Whom it May Concern:

We authorize William Crowell to represent us before the Harwich Board of Appeals concerning 16 Restabit Road, Harwich, MA 02645.

James W. Kuhl & Patricia R. Kuhl

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



**Telephone: (508) 430-7506**

**Fax: (508) 430-4703**

**By First Class Mail**

March 18, 2022

James & Patricia Kuhl  
116 Wolcott Ter.  
Syracuse, NY 13207

cc. Sean Thibert  
197 Follows Rd.  
Harwich Ma, 02645

Re: Zoning Relief Required  
Building Permit Application No. BLD-22-001377  
16 Restabit Rd. Harwich, Ma. 02645 (Assessor's Map 62 Parcel K18)  
Zoning District RR

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Dear Mr. Kuhl:

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Terry A. Warner, P.L.S. dated, Aug. 27, 2020 with revisions dated 10/07/20 and 01/10/22, the following zoning relief is first required:

*Harwich Zoning Bylaw §325-54(A)(2)(b)&(c): Alteration, Addition/Extension*

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,



Robert Piccirilli  
Harwich Building Commissioner

Cc: File

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