



Case # _____

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.

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:

67 Ginger Plum Lane, Harwich Port, MA 02646. Said property is further described on

Assessor's Map #5 and Parcel # G1-4-0 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): HZB Section 325-54 "Nonconforming Structures and Uses", HZB Section 325-Attachment 2, Table 2, Area Regulations, HZB 325-Attachment 3, Table 3, Height and Bulk Regulations.

Signature of Owner (or Agent) [Signature] Date 2/16/24
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Mathew A. Davis and Jenifer L. Davis Phone No. 508-432-1643

Mailing Address: 67 Ginger Plum Lane, Harwich Port, MA 02646

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) _____

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.

1

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: **Mathew A. Davis and Jennifer L. Davis**

Address of Property: **67 Ginger Plum Lane, 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: **1964**

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	5,213	5,213
Frontage	150	50	50
Front Yard Setback	25	13.9'/43.6'	13.9'/36.9'
Side yard Setback	20	0.6'	5.2'
2 nd Side Yard Setback	20	18.7'	9.3'
Rear Yard Setback	20	NA	NA
Building Coverage	30%	13.8%	26.2%
Site Coverage	35%	29.0%	34.6%
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: **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: **2/16/22**

Owner's Signature: _____ Date: _____

wcrowell.office1@comcast.net

From: Davis, Mathew <Mathew.Davis@crs.org>
Sent: Thursday, February 15, 2024 11:00 AM
To: Lorrainy Madrona; jdavis@isk.ac.ke
Cc: wcrowell.office1@comcast.net; Davis, Mathew
Subject: RE: ZBA Filing 67 Ginger Plum Lane
Attachments: Signed Fee Agreement_Davis.pdf

Hi Lorrainy,

We, Mathew A. Davis and Jenifer L. Davis, owners of 67 Ginger Plum Lane, hereby authorize Attorney William D. Crowell to represent us before the Town of Harwich Zoning Board of Appeals regarding the same.

Thank you

Mathew A. Davis and Jenifer L. Davis

Mathew Davis | Regional Director | CRS East Africa Regional Office
Email: mathew.davis@crs.org | Mobile/WhatsApp: +254 733 625 500

Please note I am sending this message at a time that works well for me & I don't expect a response outside of your working hours.



TOWN OF HARWICH

Building Department
732 Main Street
Harwich, MA 02645



Telephone: (508) 430-7506

By First Class Mail

January 30, 2024

DAVIS MATHEW A &
DAVIS JENIFER L
67 GINGER PLUM LN
HARWICH PORT, MA 02646

Re: Zoning Relief Required BP-24-104
67 Ginger Plum Ln, Harwich port, MA (Parcel ID 5 G1-4)
Zoning District RH-1

Dear Mathew & Jenifer Davis,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Moran Engineering Assoc., LLC, dated January 2, 2024, we cannot issue without relief listed below.

Harwich Zoning Bylaw §325-54 "Nonconforming Structures and Uses."
Harwich Zoning Bylaw §325 – Attachment 2, Table 2, Area regulations
Harwich Zoning Bylaw §325 – Attachment 3, Table 3, Height and Bulk Regulations

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.

TOWN OF HARWICH

Building Department
732 Main Street
Harwich, MA 02645



Telephone: (508) 430-7506

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 this further, as necessary.

Respectfully,

A handwritten signature in cursive script that reads "Jack Mee".

Jack Mee
Harwich Building Commissioner

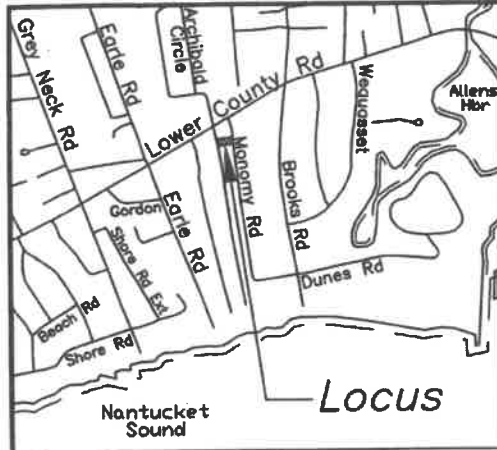
Davis, Mathew A. & Jenifer L. – 67 Ginger Plum Lane

The Petitioners request a Special Permit to demolish and replace the pre-existing, non-conforming, single family dwelling as per the Existing Conditions Site Plan dated July 21, 2020 and Proposed Conditions Site Plan dated January 2, 2024 by Moran Engineering Assoc., LLC. and the undated Building and Elevation Plans by Rick Roy Construction LLC A1,2 and 3.

The existing non-conforming northerly setback is .6 feet and will improve to 5.2 feet. The existing non-conforming set back from Monomoy Road on the east is 13.9 feet and will remain the same. The existing non-conforming setback on the southerly side is 18.7 feet and will come closer at 14.2 feet for the proposed dwelling and 9.3 feet for the access steps to the basement. The conforming easterly setback from Ginger Plum Lane is 43.6 feet and will decrease somewhat but remain conforming at 36.9 feet. Building coverage (30% max) is conforming at 13.8% and will remain conforming at 26.2%. Site coverage (35% max) is conforming at 29% and will remain conforming at 34.6%.

Since the new dwelling will create new habitable space and structure within the northerly, easterly and southerly setbacks such will constitute intensifications 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.



LOCATION MAP
 Assessors Map: 5
 Parcel: G1-4
 Deed Bk.23167, Pg.93
 Plan Bk.39, Pg.119
 Lot 4

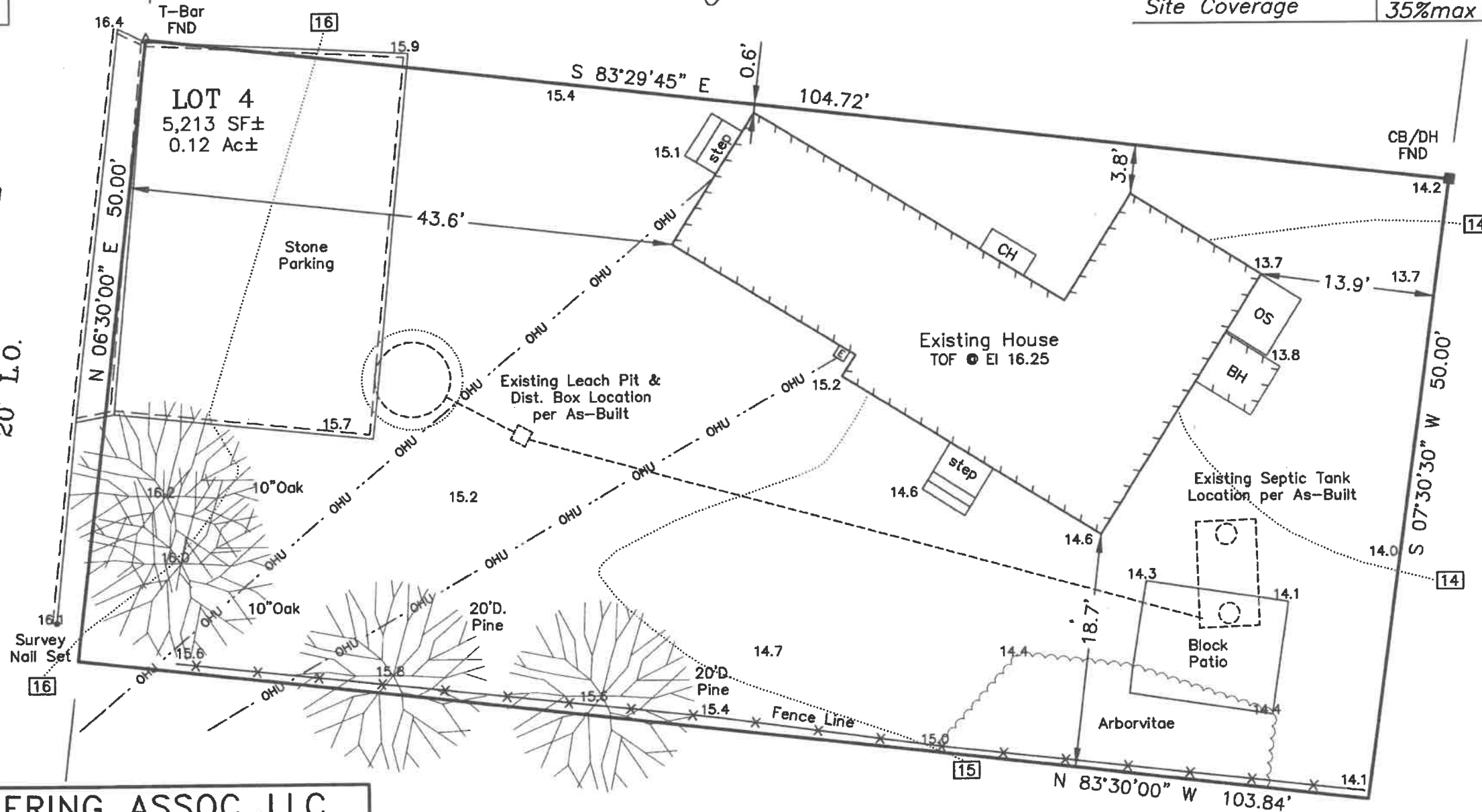


Zoning Compliance

	Zoning	Existing
Zone:	R-H-1	
Min Front Setback	25'	13.9'/43.6'
Min Side Setback	20'	0.6'/18.7'
Min Rear Setback	20'	NA
Building Coverage	(1563sf) 30%max	(718sf) 13.8%
Site Coverage	(1824sf) 35%max	(1510sf) 29.0%

GINGER PLUM LANE
20' L.O.

MONOMOY ROAD
40' L.O.



MORAN ENGINEERING ASSOC., LLC

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

EXISTING CONDITIONS PLOT PLAN

Prepared For: Mathew & Jenifer Davis

67 GINGER PLUM LANE HARWICH PORT, MA

PROJECT: 20-115

DATE: 7/21/2020

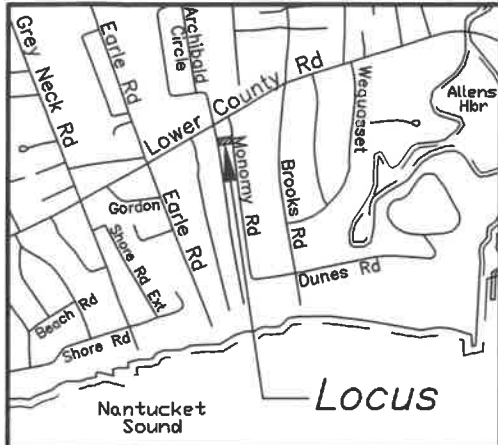
NOTE:

- * This property is not located within a Special Flood Hazard Area.
- ** This property is not located within a Zone II, Drinking Water Protection District

SCALE: 1" = 10'

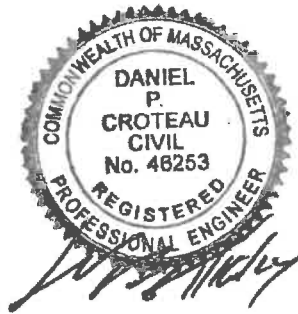


*Elevation Datum is NAVD-88



LOCATION MAP

Assessors Map: 5
 Parcel: G1-4
 Deed Bk.23167, Pg.93
 Plan Bk.39, Pg.119
 Lot 4



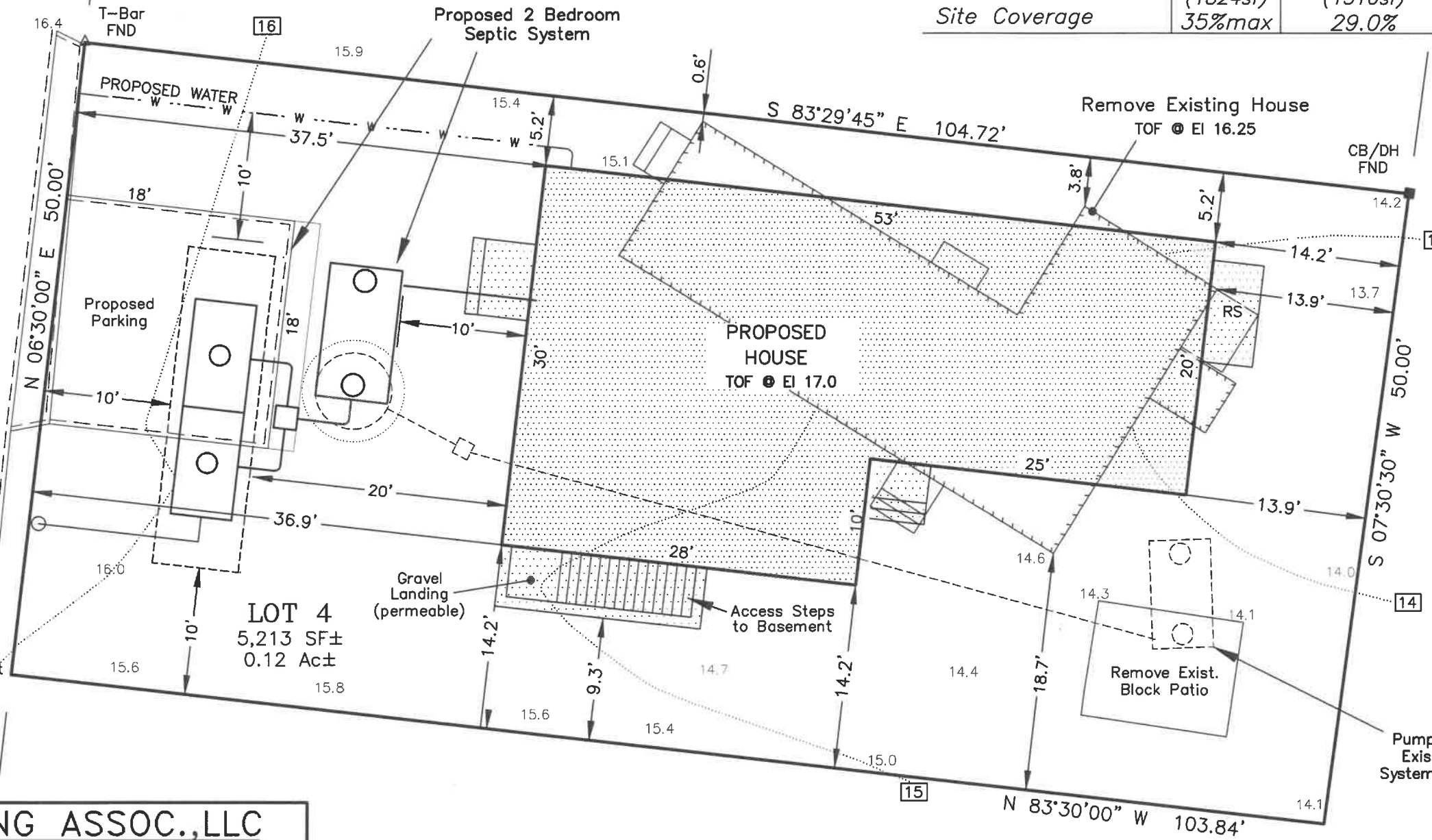
Zoning Compliance

Zone: R-H-1

	Zoning	Existing	Proposed
Min Front Setback	25'	13.9'/43.6'	13.9'/36.9'
Min Side Setback	20'	0.6'/18.7'	5.2'/9.3'
Min Rear Setback	20'	NA	NA
Building Coverage	(1563sf) 30%max	(718sf) 13.8%	(1365sf) 26.2%
Site Coverage	(1824sf) 35%max	(1510sf) 29.0%	(1802sf) 34.6%

GINGER PLUM LANE
20' L.O.

MONOMOY ROAD
40' L.O.



MORAN ENGINEERING ASSOC., LLC

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

PROPOSED CONDITIONS PLOT PLAN

Prepared For: Mathew & Jenifer Davis

67 GINGER PLUM LANE HARWICH PORT, MA

PROJECT: 20-115

DATE: 1/2/2024

NOTE:

- * This property is not located within a Special Flood Hazard Area.
- ** This property is not located within a Zone II, Drinking Water Protection District

SCALE: 1" = 10'



*Elevation Datum is NAVD-88



FRONT ELEVATION



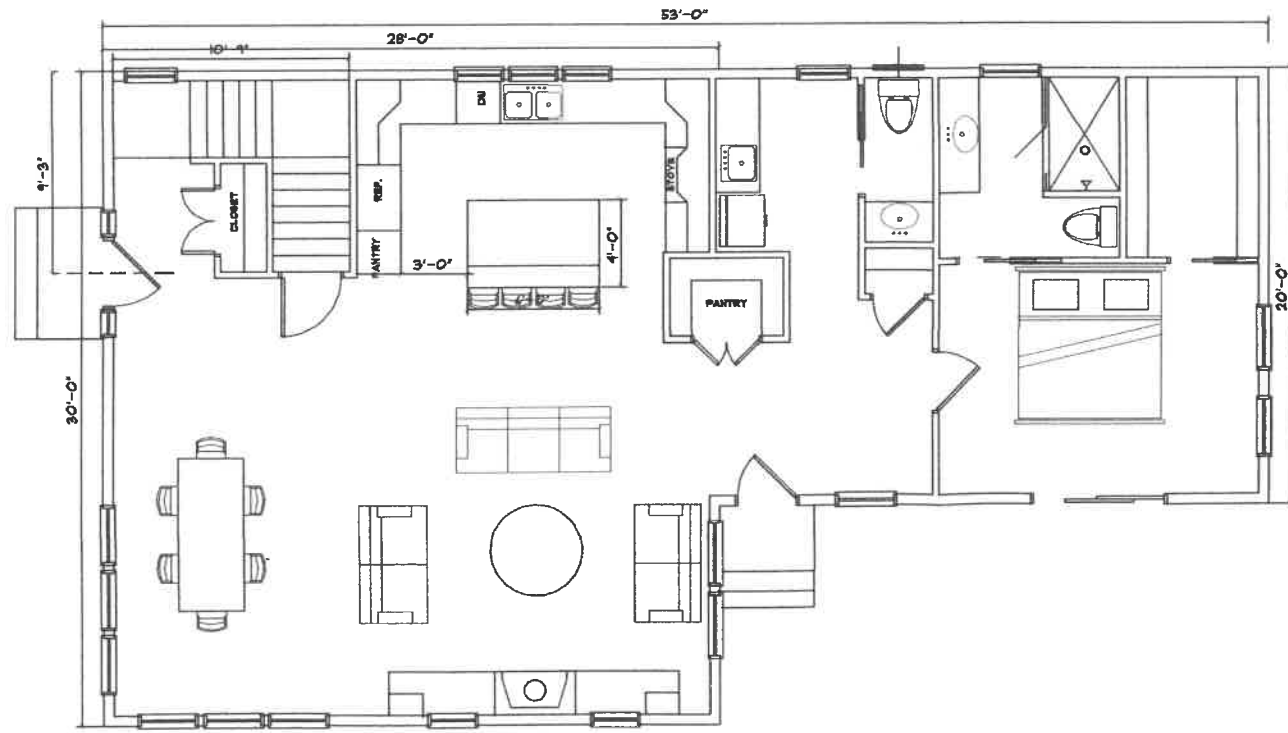
SOUTH SIDE ELEVATION

SCALE 1/4" EQUALS 1 FOOT

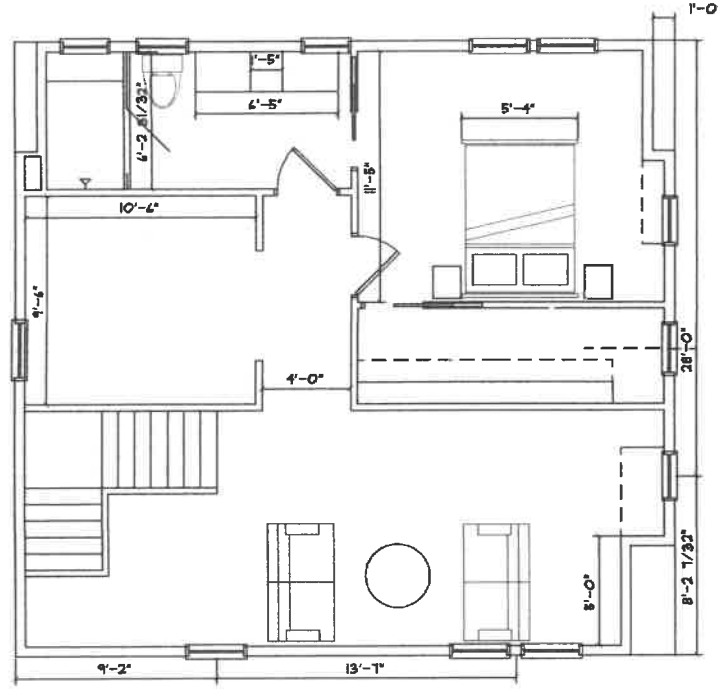
Rick Roy Construction LLC
 123A Queen Anne Rd.
 Harwich, MA 02345
 Tele: 508-432-6640
 Fax: 508-432-4814
 rroycon@comcast.net

MATT DAVIS & JEN LOWER
 67 GINGER PLUM LA.
 HARWICH, MA 02645

Date Revised



FIRST FLOOR



SECOND FLOOR

Date Revised

Rick Roy Construction LLC
 123A Queen Anne Rd.
 Harwich, MA 02846
 Tel: 508-432-6840
 Fax: 508-432-4814
 rroycon@comcast.net

MATT DAVIS & JEN LOWER
 67 GINGER PLUM LA.
 HARWICH, MA 02645