



TOWN OF HARWICH
732 Main Street, Harwich, Massachusetts 02645

Case # _____

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:

10 Homer Road, Harwich Port, MA 02646. Said property is further described on

Assessor's Map # 23-W3-6-0 and Parcel # 0 located in the RL Zoning District as shown on the attached plan.

Describe Petition/Appeal: See attached.

Relief requested - Cite specific Bylaw Section(s):

Harwich Zoning Bylaw 325-54 "Nonconforming Structures and Uses"
Harwich Zoning Bylaw 325 - Attachment 2 - Table 2, Area regulations

Signature of Owner (or Agent) [Signature] Date 3/21/24
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Estate of Kevin P. O'Neill Phone No. 508-432-1643
Diana M. O'Neill

Mailing Address: P.O. Box 297 Harwich Port MA 02646 Owners Email: _____

Agent Name: William D. Crowell, Esq. Phone No. 508-432-1643

Mailing Address: 466 Main Street Harwich Port MA 02646 Agent Email: wcrowell.office1@comcast.net

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 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):

- ✓ **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 the MGL and the Harwich Zoning Bylaw.**
- ✓ **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):**
 - Full size Certified Plot 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.**

Estate of Kevin P. O'Neill

Name of Applicant: Diana M. O'Neill

Address of Property: 10 Homer Road, Harwich Port

Zoning District: RL

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: 1966

Name/Address of Engineer/Architect: unknown

Name/Address of Attorney: William D. Crowell, Esq. 466 Main St. Harwich Port, MA 02646

Subject	Existing	Required	Proposed
Lot Area (square feet)	7,650	40,000	7,650
Frontage (linear feet)	102	150	102
Front Yard Setback (feet)	25.3'	25'	unchanged
Side yard Setback (feet)	15.8'/28.9'	20'	8.3'/28.9'
Rear Yard Setback (feet)	19.3'	20'	unchanged
Any Yard Setback - Specify which:			
Building Coverage (%)	14.4%	15% max	14.7%
Site Coverage (%) (see 325-2)	26.0%	30% max	26.3%
Building Height (see 325-2 & 325-108)*	< 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			
* 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: [Signature] Date: 3/21/24

Owner's Signature: _____ Date: _____

wcrowell.office1@comcast.net

From: Diana M. O'Neill <dianamoneill@yahoo.com>
Sent: Wednesday, March 20, 2024 8:18 AM
To: wcrowell.office1@comcast.net
Cc: David Handren
Subject: Authorization

I, Diana M. O'Neill, owner of 10 Homer Road, Harwich Port, hereby authorize William D. Crowell, Esq. to represent me before the Town of Harwich Board of Appeals regarding the same.

Thank you,

Diana M. O'Neill

TOWN OF HARWICH

Building Department
732 Main Street
Harwich, MA. 02645



Telephone: (508) 430-7506

By First Class Mail

February 20, 2024

ONEILL KEVIN P ESTATE OF
ONEILL DIANA M
PO BOX 297
HARWICHPORT, MA 02646

Re: Zoning Relief Required – BP-24-172
10 Homer Rd, Harwich port, MA (Parcel ID 23 W3 6)
Zoning District RL

Dear Property Owner,

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 February 15, 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

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, appearing to read "Jack Mee", is written over a horizontal line.

Jack Mee
Harwich Building Commissioner

Diana M. O'Neill – 10 Homer Road, Harwich Port, MA 02646

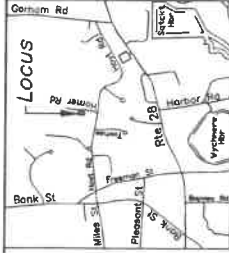
The Petitioner requests a Special Permit to construct a bathroom addition to the pre-existing, non-conforming, single-family dwelling as per the Existing and Proposed Conditions Site Plan by Moran Engineering, Assoc., LLC dated February 15, 2024 and the Building and Elevation Plans by ZMC Designs, undated, Sheets A1 & A2.

The easterly setback from Homer Road is conforming at 25.3 as is the northerly setback at 28.9. The rear setback is non-conforming at 19.3 and will not change. The existing southerly setback is presently non-conforming at 15.8 and will come closer to the lot line at 8.3 as shown on said Plan.

The existing building coverage is 14.4% (15% max) and will increase slightly to 14.7%. The existing site coverage is 26.0% (30% max) and will increase slightly to 26.3%. It should be noted that both building coverage and site coverage will remain conforming and only increase slightly due to the removal of the shed at the southwest corner as shown on said plan.

Consequently, the only change will be an intensification of the existing non-conforming southerly setback from 15.8 to 8.3 feet, which will create additional habitable space within the required 20 foot setback. 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 addition for a bathroom, only, will not constitute a substantial detriment to the entire neighborhood.

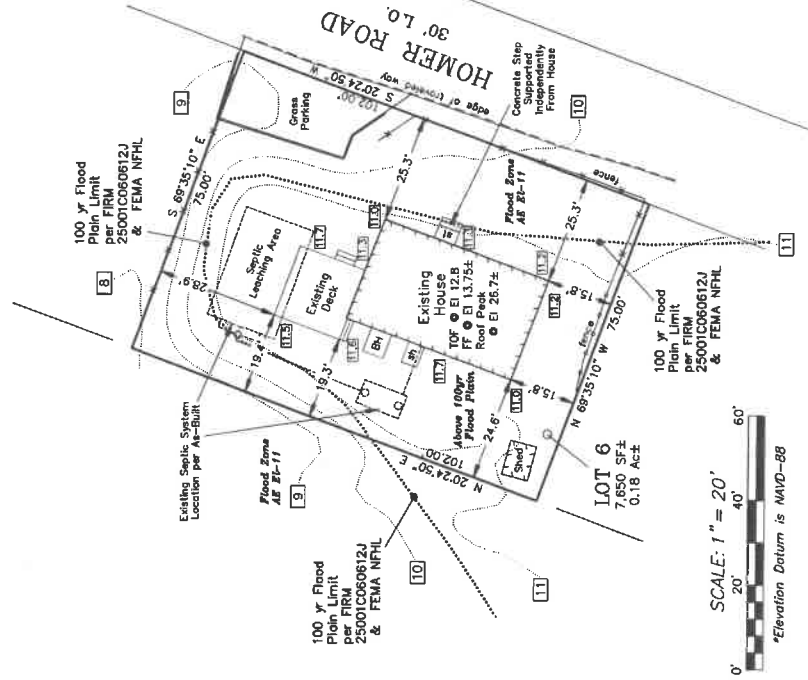
In the alternative, the Petitioner requests a Variance for the above addition.



LOCATION MAP
Parcel ID: 23-W3-6
Deed Bk. 25616, Pg. 276
Plan Bk. 97, Pg. 51, Lot 6

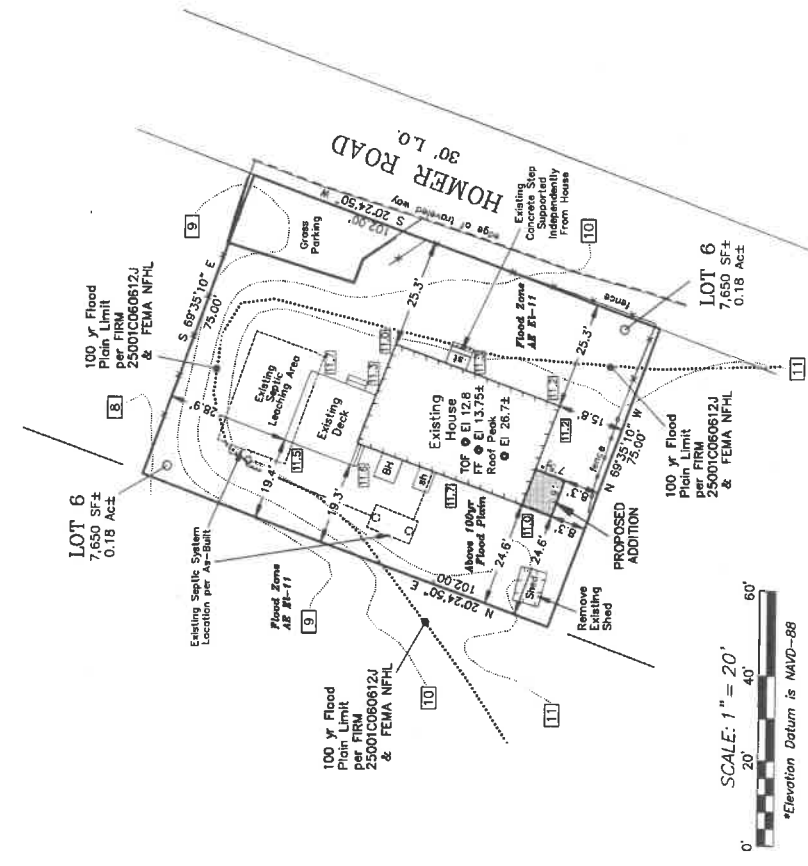
Zoning Compliance

Zone: R-L	Zoning	Existing	Proposed
Min Front Setback	25'	25.3'	unchanged
Min Side Setback	20'	15.8'/28.9'	8.3'/28.9'
Min Rear Setback	20'	19.3'	unchanged
Building Coverage	(1147sf)	(1100sf)	(1120sf)
Site Coverage	15% ^{max}	14.4%	14.7%
	30% ^{max}	26.0%	26.3%



EXISTING CONDITIONS

NOTE:
 * This property is partially located within a Special Flood Hazard Area. The house and proposed addition on this lot are not located within the 100yr. floodplain as per FEMA zini and the ground survey elevations.
 ** This property is not located within a Zone II, Drinking Water Protection District



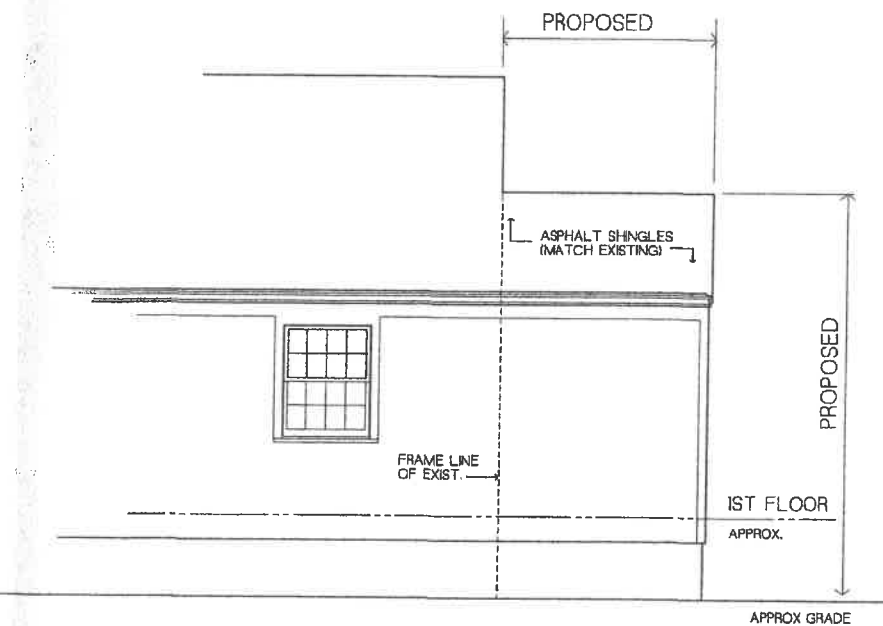
PROPOSED CONDITIONS



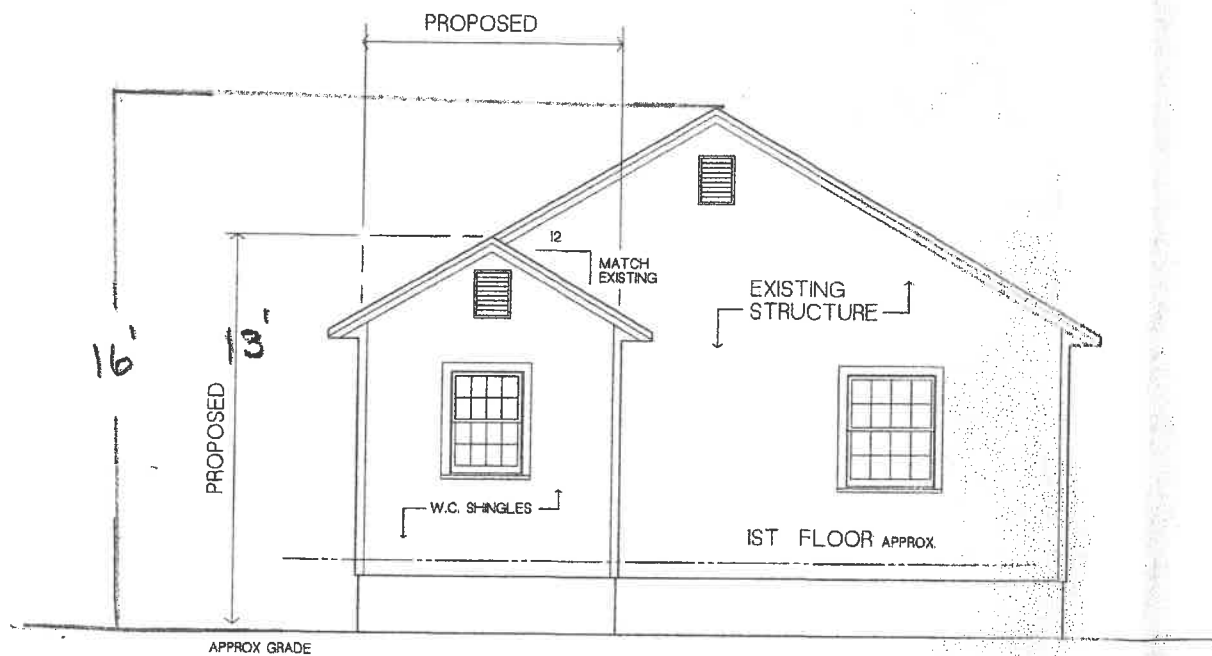
MORAN ENGINEERING ASSOC., LLC
 508-432-2878 941 MAIN STREET (RTE 28), BURLINGHAM, MA
EXISTING & PROPOSED CONDITIONS SITE PLAN
 Prepared For: Diana O'Neill & Tara Hulbig
 10 HOMER ROAD HARWICH PORT, MA
 PROJECT: 23-148 DATE: 2/15/2024



1 Proposed/Existing
FRONT ELEVATION
Scale: 1/4"=1'-0"



2 Proposed/Existing
REAR ELEVATION
Scale: 1/4"=1'-0"



3 Proposed/Existing
LEFT ELEVATION
Scale: 1/4"=1'-0"

- 8/12 Nail Spacing
- Indicates Smoke Detector
- Indicates Smoke Detector
- Indicates Heat Detector
- XKXJ X=Number of King and Jack Studs
2KIJ Unless noted
- APA Portal Wall Use w/STHD 14 Holdown Strap. See (TT-100D)

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d e s i g n s

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*Refer to "General Nailing Schedule-Table 2. WFCM Wood Frame Construction Manual"

Note: All construction shall be in accordance with American Forest and Paper Association "Wood Frame Construction Manual for One and Two Family Dwellings (WCFM). Contractor shall be responsible to review all details to assure proper installation methods.

Proposed:
ADDITION/
RENOVATION

10 HOMER RD.
HARWICH, MA.

Prepared for:
O'NEILL

Prepared by:
ZIBRAT & McCARTHY LLP

63 CROWELL ROAD
CHATHAM, MASS.

ZIBRAT & McCARTHY LLP
d e s i g n s
63 Crowell Road
Chatham, Mass. 02633
508-945-9424

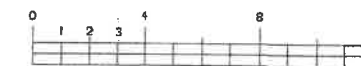
PROPOSED ADDITION/RENOVATION FOR:
O'NEIL RESIDENCE
10 HOMER RD., HARWICH, MA.

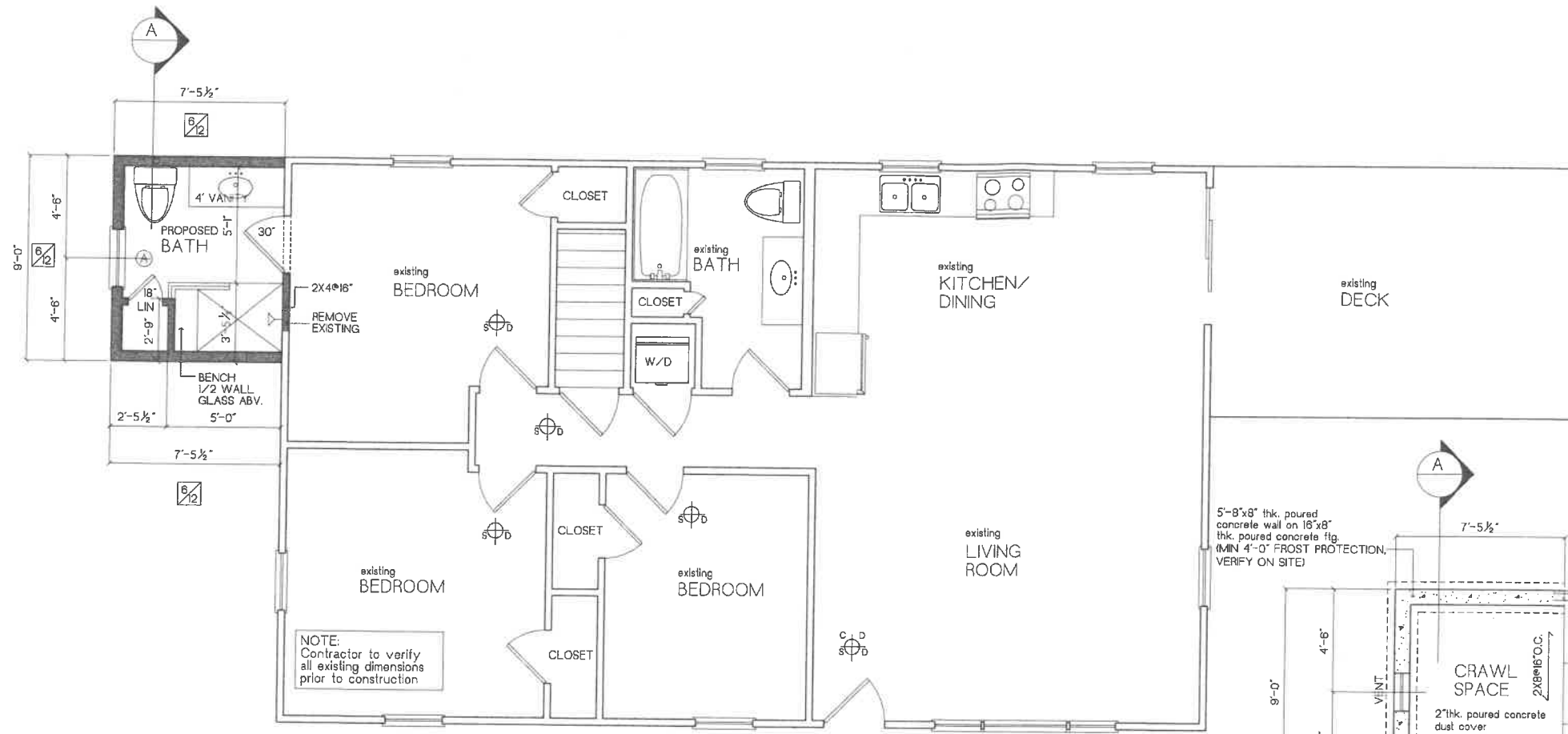
ZMc
designs

Scale:

REVISIONS:

A1



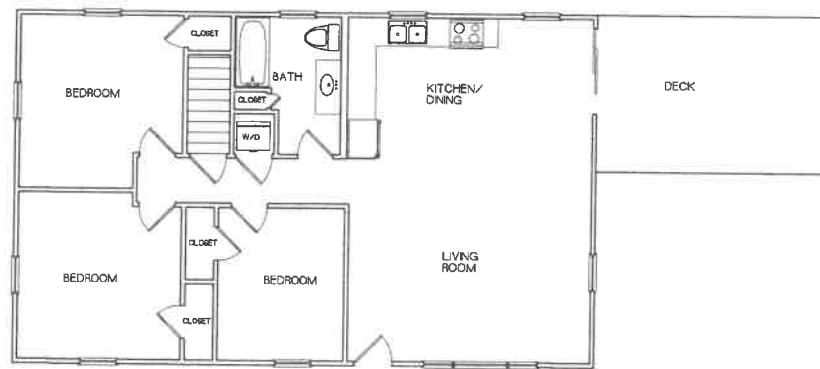


WINDOW SCHEDULE						
MK	DESCRIPTION	Trans.	Qty.	Sqft.	Total Sqft.	COMMENTS
A	TW2436				9.23	2'-6 1/8" X 3'-8 7/8" ANDERSEN 400 SERIES
				Total:	9.23	

Note: Contractor to verify all millwork information including rough openings, clearances and quantities prior to construction.

Existing/Proposed FIRST FLOOR PLAN

Scale: 1/4"=1'-0"



Existing FIRST FLOOR PLAN

Scale: 1/8"=1'-0"

6/2 Nail Spacing

Ⓢ Indicates Smoke Detector

ⓈD Indicates Smoke Detector

ⓈH Indicates Heat Detector

KXKJ X=Number of King and Jack Studs

2KIJ Unless noted

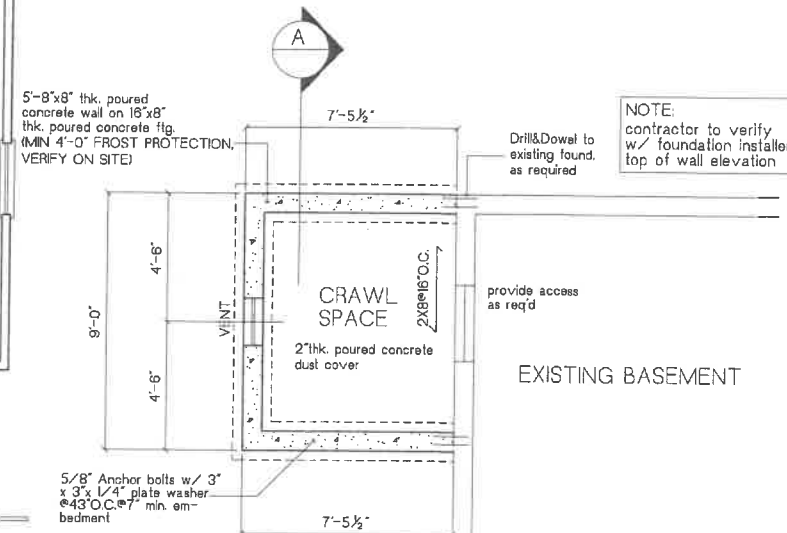
APA APA Portal Wall. Use w/STHD 14 Holdown Strap. See (TT-i00D)

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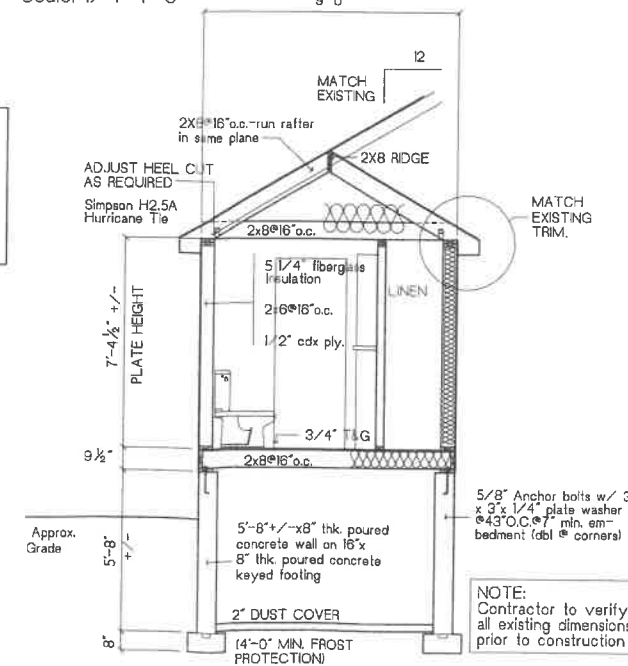
*Refer to "General Nailing Schedule-Table 2. WFCM Wood Frame Construction Manual

Note: All construction shall be in accordance with American Forest and Paper Association "Wood Frame Construction Manual for One and Two Family dwellings (WFCM). Contractor shall be responsible to review all details to assure proper installation methods.



Existing/Proposed FOUNDATION PLAN

Scale: 1/4"=1'-0"



SECTION A

Scale 1/4"=1'-0"



ZIBRAT & McCARTHY LLP
63 Crowell Road
Chatham, Mass. 02633
508-945-9424

PROPOSED ADDITION/RENOVATION FOR:
O'NEILL RESIDENCE
10 HOMER RD., HARWICH, MA.

ZMc
designs

Scale:

REVISIONS:

A2