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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:

David/Gregg Ripple Realty Trust 338 Bank Said property is further described on

Assessor's Map # \_\_\_\_\_ and Parcel # \_\_\_\_\_ located in the HDHC Zoning District as shown on the attached plan.

Describe

Petition/Appeal: Upstair One bedroom Apt Primary Residential

Relief requested - Cite specific Bylaw Section(s):

§ 325-54(2) - § 131 Historically Significant Building

Signature of Owner (or Agent) \_\_\_\_\_

Date 12/22/2022

(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Ripple Realty Trust

Phone No. 508-237-0809

Mailing Address: P.O. Box 432 Harwich Port MA

Agent Name: Gregory Winston, David Pivarkett

Phone No. 508-237-0101

Mailing Address: Same

Has a petition previously been submitted for this property (Y/N) No / has passed HDHC

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):**
  - 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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Name of Applicant: Ripple Realty Trust

Address of Property: 338 Bank St.

Zoning District: HDAC Overlay District

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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): HDAC Commercial Overlay

Year Structure(s) Built: 1850

Name/Address of Engineer/Architect: Longo Design / Harry Ellis

Name/Address of Attorney: David Reid (if necessary)

Subject	Existing	Required	Proposed
Lot Area (square feet)	3,020 SF		
Frontage (linear feet)	32.3		
Front Yard Setback (feet)	?		
Side yard Setback (feet)			
Rear Yard Setback (feet)			
Any Yard Setback - Specify which:			
Building Coverage (%)	26.2%		
Site Coverage (%) (see 325-2)	50%		
Building Height (see 325-2 & 325-108)*			
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>	Primary	Living Apt (Single Apt.)	
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 or Variance if Required

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: [Signature] Date: 12/22/2022



Gregory Winston <gregoryywinston@gmail.com> 12:34 PM

**338 Bank St.**

1 message

Gregory Winston <gregoryywinston@gmail.com>

Wed, Dec 28, 2022 at 12:32 PM

To: Joe Powers <jpowers@town.harwich.ma.us>

Cc: Elaine Banta <ebanta@town.harwich.ma.us>, Meggan Eldredge <meldredge@town.harwich.ma.us>, David Plunkett <djplunkett14@gmail.com>, Harry Ellis <heb02659@yahoo.com>, Dan Croteau <moraneng@gmail.com>, "David S. Reid" <dsreid@verizon.net>

I am providing a brief narrative on the restoration project at The Barn (Thatcher's Forge).

My partner David and myself are planning to restore the barn as it stands. We are not planning to expand the footprint other than an exterior staircase and a small deck.

WE are in love with this beautiful old Barn. We understand its iconic visage as one travels up Bank Street to the center. We want Nellie to live on forever!

In order to make this project financially viable we are proposing a small one bedroom apt on the second level. To accomplish enough space we are adding two doghouse dormers and a gable over the south facing shed.

The lower level will remain as is with three garage bays which currently exist.

Our goal is to keep this beautiful old barn on our town's Historic register. For this reason we are spending the necessary money to lift the original structure and restore the original timbers and beams. The refurbished building will be brought up to existing building standards. WE have already received unanimous approval from HDHC (historic).

Thank you

Sincerely

David Plunkett

Gregory winston

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



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

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

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**By First Class Mail**

December 2, 2022

David Plunkett / Ripple Realty Trust  
PO Box 432  
Harwich Port, MA 02646

Re: Zoning Relief Required  
Building Permit Application  
338 Bank Street Harwich, Ma. 02645 (Assessor's ID 41- D1- 3)  
Zoning District C-V and Harwich Center Overlay

Dear David Plunkett:

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 October 25, 2019, the following zoning relief is first required:

*Harwich Zoning Bylaw §325-54 (7) Alteration or extension of other structures.*

*Article II or the Harwich Zoning Bylaw §131 Historically Significant Buildings*

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,



Jack Mee  
Harwich Building Commissioner

Cc: Harold Ellis CSL  
File

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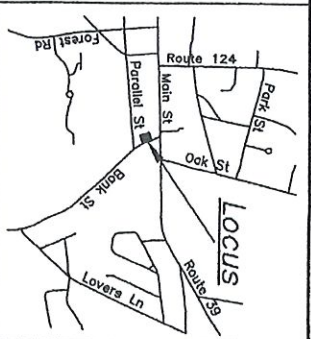
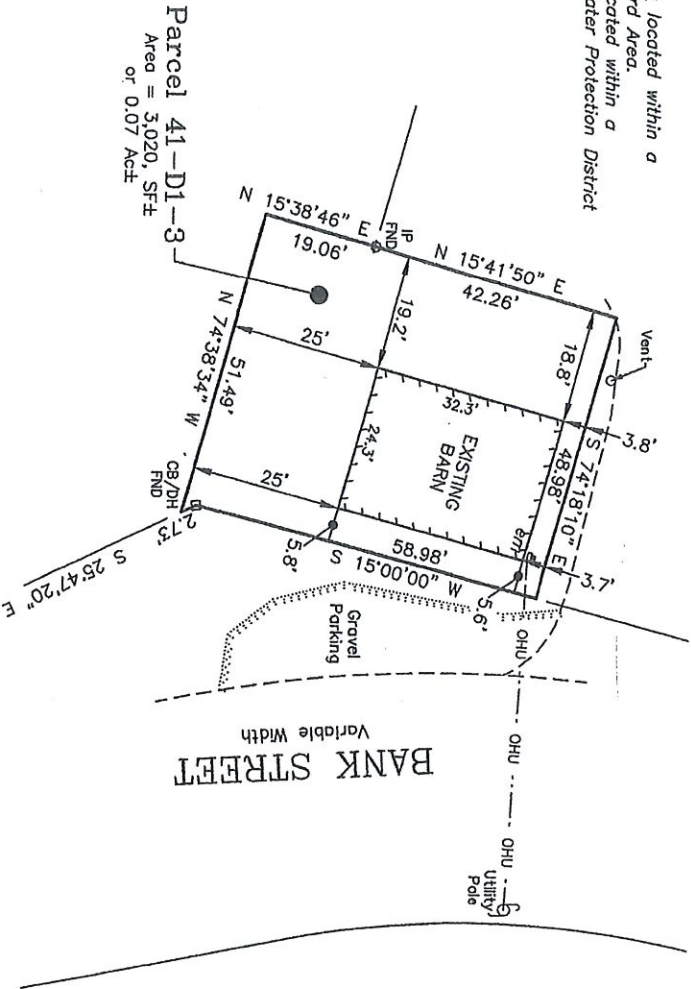
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Zoning Compliance  
Zone: C-V and Harwich Center Overlay District

	C-V Zoning	HC Overlay Zoning **	Existing
Min Front Setback	25'	*	5.6'
Min Side Setback	20'	10'	3.7', 25'
Min Rear Setback	20'	10'	18.8'
Building Coverage	(1,510 sf) 50% max (2,416 sf)	(1,510 sf) 50% max (2,416 sf)	(791 sf) 26.22% (791 sf)
Site Coverage	80% max	80% max	26.22%

\*Determined at time of site plan review  
\*\*Planning Board may modify dimensional requirements

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



LOCATION MAP  
Assessors' ID: 41-D1-3  
Deed: Book 4341, Page 218  
See Plan: Book 650, Page 72  
Book 333, Page 16  
Book 330, Page 80  
Book 382, Page 65  
Book 44, Page 71



**MORAN ENGINEERING ASSOC., LLC**  
508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA  
EXISTING CONDITIONS PLOT PLAN IN HARWICH  
Prepared For: Greg Winston  
338 BANK STREET HARWICH  
PROJECT: 19-239 DATE: 10/25/19







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