

TOWN OF HARWICH PLANNING DEPARTMENT



**PLANNING BOARD APPLICATION  
SPECIAL PERMITS & SITE PLAN REVIEW FORM A**

TO THE TOWN CLERK, HARWICH, MA DATE 2/24/23

**PART A – APPLICANT INFORMATION/AUTHORIZATION**

Applicant Name(s)	Douglas Deschenes
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	Finneran & Nicholson, P.C.
Mailing address	30 Green Street
Town, ST, Zip	Newburyport, MA 01950
Phone	978-462-1514
Fax	978-465-2584
E-mail	doug@finnic.com

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The applicant is one of the following: (please check appropriate box)

- Owner     
  Prospective Buyer\*     
  Representative for Owner/Tenant/Buyer\*  
 Tenant\*     
  Other\* \_\_\_\_\_

**\*Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.**

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

**Authorization**

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Douglas Deschenes, ATTORNEY  
 Applicant

SEE ATTACHED AUTHORIZATION  
 Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
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Case #

**PART B – PROJECT LOCATION**

Legal Street Address	230 Church Street	Village/Zip Code	02645
Title Book/Page or L.C.C. #	15819/40		
Map(s) / Parcel(s)	98-B3-9-0		
Zoning & Overlay Districts	R-R	*Historic?	NO
Frontage (linear feet)	158.4		
Total land area (s.f.)	1.60		
Upland (s.f.)	0	Wetlands (s.f.)	0

**PART C – PROJECT DESCRIPTION**

Existing Floor Area in Sq. Ft	Gross: 0	Net: 0
Proposed Floor Area in Sq. Ft	Gross: 576	Net: 576
Change in Sq. Ft + / -	Gross:	Net:
Existing # of parking spaces	3	Proposed # of parking spaces: 3
Existing Use(s)	land	
Proposed Use(s)	Proposing to build a 24x24 barn to house 2 horses	
<i>Attach a separate narrative if necessary.</i>		

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: **(check all that apply)**

**Site Plan Review § 325-55:**

- Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window
- Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.
- Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.
- Establishment of any new retail use(s) in the Industrial (IL) Zone.
- Waiver of Site Plan § 325-55.F

**Article V, Use Regulations:**

- Paragraph\_\_\_\_, sub-paragraph #\_\_\_\_  Paragraph\_\_\_\_, sub-paragraph #\_\_\_\_
- Paragraph\_\_\_\_, sub-paragraph #\_\_\_\_, supplemental regulation #\_\_\_\_ § 325-14

**Article X, Special Permits:**

- Structures w/ gross floor area of 7,500+ s.f. § 325-51
- Structures requiring 20 or more new parking spaces § 325-51
- Accessory Apt./Shared Elderly Housing § 325-51.H  Mixed Use § 325-51.M
- Drinking Water Resource Protection § 325-51.C  Two Family § 325-51.N
- Village Commercial, Harwich Port § 325-51.L  \*Harwich Center Overlay § 325-51.O
- Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

**Other Special Permits:**

- Six Ponds Special District - Article XVI
- Wind Energy Systems - Article XVIII  Large Scale Wind Generation – Article XIX
- Other (i.e. Alternate Access § 325-18.P, Special Cases § 325-44.B) \_\_\_\_\_
- Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on \_\_\_\_\_ Year/Case # \_\_\_\_\_

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*\*Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District and Historical Commission. Please inquire for forms and instructions.*

FINNERAN & NICHOLSON, P.C.

ATTORNEYS AND COUNSELORS AT LAW

30 GREEN STREET  
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515 GROTON ROAD, SUITE 203  
WESTFORD, MA 01886  
Tel. (978)496-1177 \* Fax (978)496-1146

March 20, 2023

Town of Harwich Planning Board  
732 Main Street  
Harwich, MA 02645  
Attn: Duncan Berry, Chair

**RE: Kevin Tomany and Tara Kane-Tomany Special Permit Application; 230 Church Street; Horse Paddock and Stable in the Drinking Water Resource Protection District.**

Dear Chairperson Berry and Members of the Board,

The undersigned represents Kevin Tomany and Tara Kane-Tomany, owners of the above referenced property. My client would like to develop and maintain a barn and paddock area for the keeping of two (2) horses on the property at 230 Church Street (hereinafter the "Project"). However, the property is located in the Drinking Water Resource Protection Area (WRPD Zone II) and so therefore requires a Special Permit pursuant to Sections 325-14 (E) and 325-51 (C) of the Harwich Zoning Bylaw.

As such, please allow this letter, along with the attached documents to serve as my client's (the "Applicant") formal application for a Special Permit under Sections 325-14 (E) and 325-51 (C) of the Harwich Zoning Bylaws, and any other approvals, findings or permit relief the Planning Board deems necessary to allow the proposed Project construction.

Enclosed please find the following:

1. Two (2) Copies Special Permit Application;
2. Two (2) Copies of the Municipal Lien Certificate;
3. Two (2) Copies of a brief Narrative (this cover letter);
4. Two (2) Copies of the Project Narrative and Nitrogen Loading Calculations;
5. Four (4) full sized copies of Plans (24"x 36")
6. Thirteen (13) reduced copies of Plans (11 x 17)
7. Owner Authorization Letter;
8. Owner's Deed;
9. Assessor Card and GIS MAP;
10. Certified List of Abutters;
11. Filing Fee.

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Furthermore, please accept the following with regard to the applicable Special Permit Criteria listed in the Special Permit Guidelines:

a. The proposed use is an accessory use common to residential uses in many locations in town. The predominant effect will be the appearance of a post and rail fence and a small wood framed barn. The one-acre lot density and abundant vacant land in the area provides for a low-density appearance. That fact combined with the manure management program creates conditions resulting in no adverse effect upon the neighborhood. Horses are quiet animals and will not create additional noise or nuisance.

b. The proposed site is reasonably level and requires only minor regrading. The site is moderately above the street elevation, a benefit to the landscape efforts to add screening evergreen trees. The site contains sandy, well-drained soil.

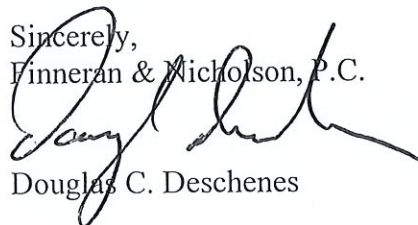
c. The site presently contains a residence. No significant change is proposed that will generate any additional traffic. The site will remain a private residence with an accessory barn and paddock meeting all dimensional setbacks, away from lot lines and the travelled way.

d. The proposed barn is well designed, properly laid out and is a very suitable building for the housing of two (2) horses. The proposed paddock is sized to allow the animals a very adequate exercise area. The manure management plan will insure compliance with the conclusions reached in the Hydrogeologic Impact Statement meeting the objectives of the regulations pertaining to the Drinking Water Resource Protection District.

Lastly, please note, that electronic copies of all materials will be forwarded to the Board by e-mail, under separate cover. Additionally, copies are being filed with the Town of Harwich Clerk's office.

Thank you very much for your time and consideration. Please contact me if you should have any questions or need any additional information regarding this application.

Sincerely,  
Finneran & Nicholson, P.C.



Douglas C. Deschenes

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CD	T	AC/SF/FUN	Ngh	Int1	Int2	ADJ BASE	SAF	Top	Lpl	VC	CREDIT AMT	ADJ VALUE
L	100	S	40,000	5	1.00	1.00	1.00	1.00	3	0.90	219,600	201,650
A	300	A	0.682	5	1.00	1.00	1.00	1.00	3	0.90	17,100	11,660

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY	1	1	1 of 1
484	12/11/2013	56 CYCL-NO GR	12/14/2018	TCK	100 100
532	09/07/2011	1 NEW CONST	09/23/2014	DS	100 100
533	09/07/2011	53 ALTER-NO GR	03/14/2012	MO	100 100
		56 CYCL-NO GR	03/14/2012	MO	100 100
		56 CYCL-NO GR	09/28/2009	MO	100 100

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	A	1.00	A+ 0.80 10 X 12	2000	120	18.63	1,800
DGF	A	1.00	G+ 0.95 14'24"	2014	336	36.20	11,600
<b>TOTAL</b>							
<b>ASSESSED</b>				<b>CURRENT</b>	<b>PREVIOUS</b>		
LAND				213,300	185,500		
BUILDING				872,700	664,600		
DETACHED				13,400	12,100		
OTHER				0	0		
<b>TOTAL</b>				<b>1,099,400</b>	<b>862,200</b>		

FRNT 0 ZONING: N O T E FACTOR 100

PHOTO: 12/14/2018

BLDG COMMENTS: OWNER/BUILDER, TOTAL REHAB 2002.

BUILDING	CD	ADJ	DESC	MEASURE	CD	CD	DESCRIPTION	ADJ	S	L	B	A	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	CONDITION	ELEM	CD
1			RESIDENTIAL	LIST	5	OTHER	1.00	1.00						N	BSMT UNFINISHED	1,378	79.58	109,657	1,051,487	EXTERIOR	CD	
7	1.35		OLD STYLE [100%]	REVIEW	2	CLAPBOARD	1.00	1.00						A	UP-STRY FIN	312	248.64	77,576		INTERIOR		
V	1.60		VERY GOOD [100%]		1	GABLE	1.00	1.00						L	BAS AREA	799	293.59	234,582		KITCHEN		
1	1.00		WOOD FRAME [100%]		1	ASPHALT SHINGLE	1.00	1.00						C	OPA	77	107.48	8,276		BATHS		
1900		SIZE ADJ	0.925		2	SOFTWOOD	1.00	1.00						+	BAS	1,236	293.59	362,862		BATHS		
3.189		DETAIL ADJ	1.000		1	PLASTER	1.00	1.00						+	WIDK	485	57.68	27,976		HEAT/elec		
\$330		OVERALL	1.400		1	HOT WAT-CL AIR	1.05	1.05						G	USF	842	248.64	209,355		HEAT/elec		
					2	GAS	1.00	1.00						O	ODS	1	4,183.40	4,183.40				

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EFF YR/AGE 1995 / 26

COND 17 17 %

FUNC 0

ECON 0

DEPR 17 % GD 83

RCNLD \$872,700