



ZB2023-10

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:

91 PUNKHORN RD

Said property is further described on

Assessor's Map # 100 and Parcel # A5 located in the R-R Zoning District as shown on the attached plan.

Describe

Petition/Appeal: DEMOLISH & REPLACE A PRE-EXISTING NON-CONFORMING SINGLE FAMILY STRUCTURE

Relief requested - Cite specific Bylaw Section(s):

325-54 A (5) - SETBACK

Signature of Owner (or Agent)

Mark Cafarella

Date

3-9-23

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

Owner Name

MARK CAFARELLA

Phone No.

Mailing Address:

400 UNION ST.

Agent Name:

CHRIS CHILDS - PATRIOT BUILDERS

Phone No.

508-432-0711

Mailing Address:

537 ROUTE 28 - HARWICH, BHT, MA 02646

Has a petition previously been submitted for this property (Y/N)

NO

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.**

Name of Applicant: MARK CAFARELLA

Address of Property: 91 PUNKHORN RD

Zoning District: R-R

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: 1956

Name/Address of Engineer/Architect: BASS RIVER ENGINEERING - P.O. Box 1163 E. DENNIS, MA 02641

Name/Address of Attorney: NA

Subject	Existing	Required	Proposed
Lot Area (square feet)	42,300	40,000	42,300
Frontage (linear feet)	150 111'	150'	111'
Front Yard Setback (feet)	125'	25'	125'
Side yard Setback (feet)	7.1'	20'	7.2'
Rear Yard Setback (feet)	4'	20'	51'
Any Yard Setback - Specify which: <u>SIDE</u>	9.6'	20'	10'
Building Coverage (%)	4.2%	15%	4.1%
Site Coverage (%) (see 325-2)	9.2%	25%	10.8%
Building Height (see 325-2 & 325-108)*	15'	30'	29'
If this is an Application for an Accessory Apartment, in addition to the above:			
A. Net Floor Area of the Principal Dwelling	1581		2848
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: SET BACK 325-54 A(5)

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: 3/8/23

Owner's Signature: Mark Cafarella Date: 3-9-23



PROJECT NARATIVE
CAFARELLA RESIDENCE
91 PUNKHORN RD – HARWICH, MA

March 9, 2023

Project description:

The property is a developed lot consisting of approximately 42,300 sq. ft. with an existing non-conforming single family dwelling consisting of 1,581 sq. ft

The applicant is seeking a special permit under section 325-54 A (5) of the Harwich Zoning Code to demolish and replace a pre-existing nonconforming single family residential structure within the required setback

Relief Requested:

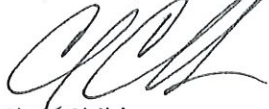
The applicant is requesting relief from the following dimensional requirements from Table 2 and Table 3 of the Harwich Code:

	Required	Existing	Proposed
Min. Front Setback	25'	125'	125'
Min. Side Setback	20'	7.1,/9.6'	7.2'/10'
Min. Rear Setback	20'	41'	51'
Max Building Coverage	6,345 sf (15%)	1,776 sf (4.2%)	1,734 sf (4.1%)
Max Site Coverage	10,575 sf (25%)	3,891.6 sf (9.2%)	4,658 sf (10.8%)

Based on the information above, I request that the Board of Appeals make the following determinations and approve the special permit for this project:

- a. The replacement structure will not be more substantially detrimental to the neighborhood than the existing structure
- b. The replacement structure will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning district or Town
- c. The replacement structure will not increase any of the following existing nonconformances: building coverage, site coverage, or setback encroachment
- d. The replacement structure will reduce at least one of the following nonconformances: building coverage, site coverage, or setback encroachment (Side Setbacks to be reduced)

Respectfully Submitted,



Chris Childs

Patriot Builders, Inc.