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TOWN CLERK  
HARWICH, MA

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: 27 PINE WOOD LN

Said property is further described on Assessor's Map # 4 and Parcel # 412310 located in the RH-1 Zoning District as shown on the attached plan.

Describe Petition/Appeal: REBUILD EXISTING NON CONFORMING DECK

Relief requested - Cite specific Bylaw Section(s):

Signature of Owner (or Agent) [Signature] Date 3/20/2023  
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name MICHELLE FITZWILLIAM Phone No. 3104638917

Mailing Address: 27 PINE WOOD LN HARWICH MA

Agent Name: GABRIEL PANATE Phone No. 5082217881

Mailing Address: 45 LOCKWOOD DR SOUTH DENIS MA

Has a petition previously been submitted for this property (Y/N) 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):**
  - 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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123 MAR 23 P 2:29

Name of Applicant: GABRIEL PANATE



2x7 PINE WOOD 2x HARVICH

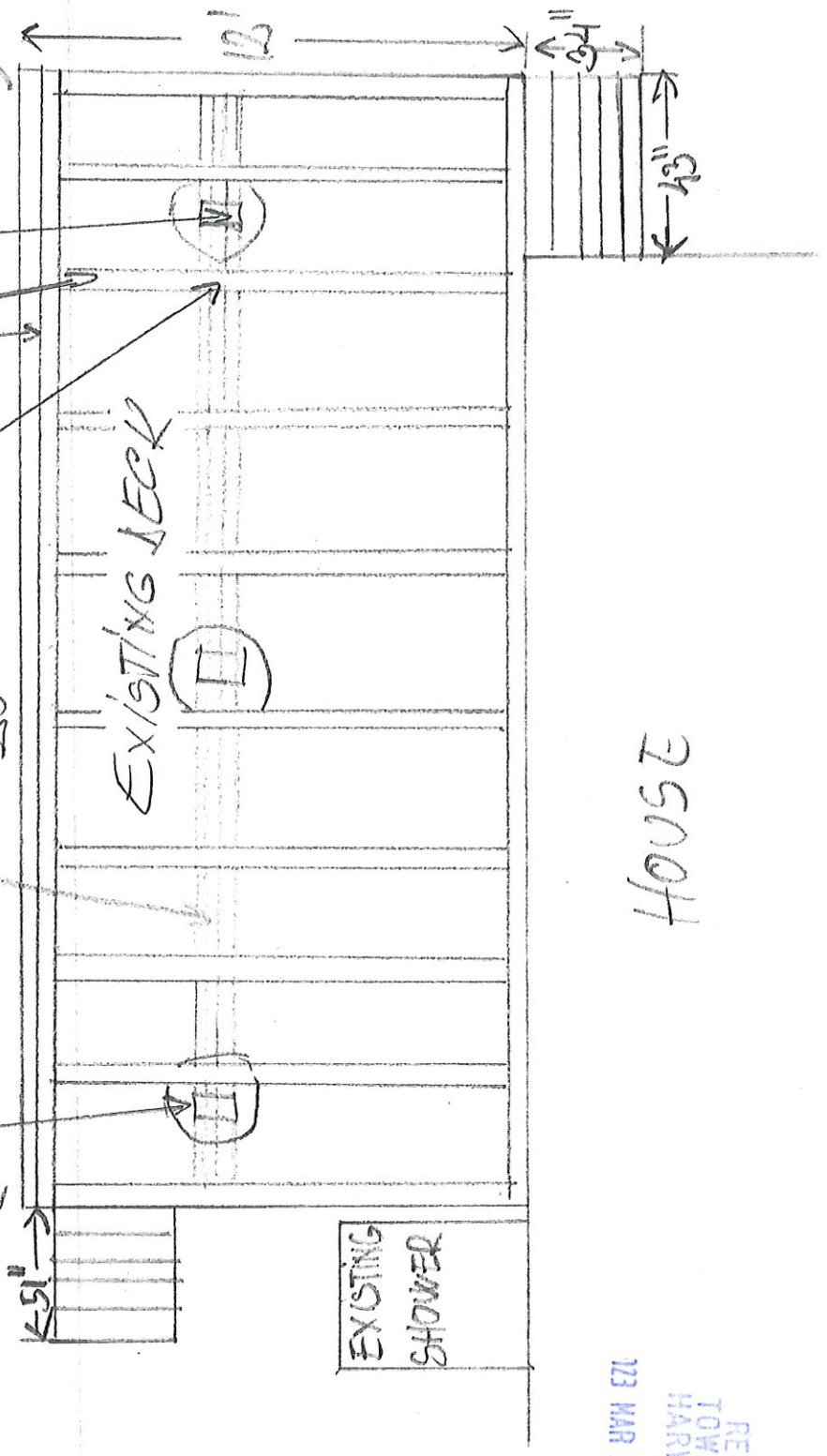
2x8 PT DECK JOISTS  
16" OC  
SAMSON TIE L U Z  
JOIST HANGERS

SAMSON TIE H1  
DECK JOIST TO  
BEAM

12" SONOTUBES

3 @ 2x10 PT BEAM

4x6 PT  
SAMSON TIE  
PC Z TO BEAM  
5/8 ABU BOLT  
TO SONOTUBE



123 MAR 23 P 2: 29  
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HARVICH, MA

HOUSE

# Ryder & Wilcox

SURVEYING · ENGINEERING  
HOME PLANNING & DESIGN

3 GIDDIAH HILL ROAD P.O. BOX 439  
SO. ORLEANS, MASSACHUSETTS 02662  
TEL: 508.255.8312 FAX: 508.240.2306

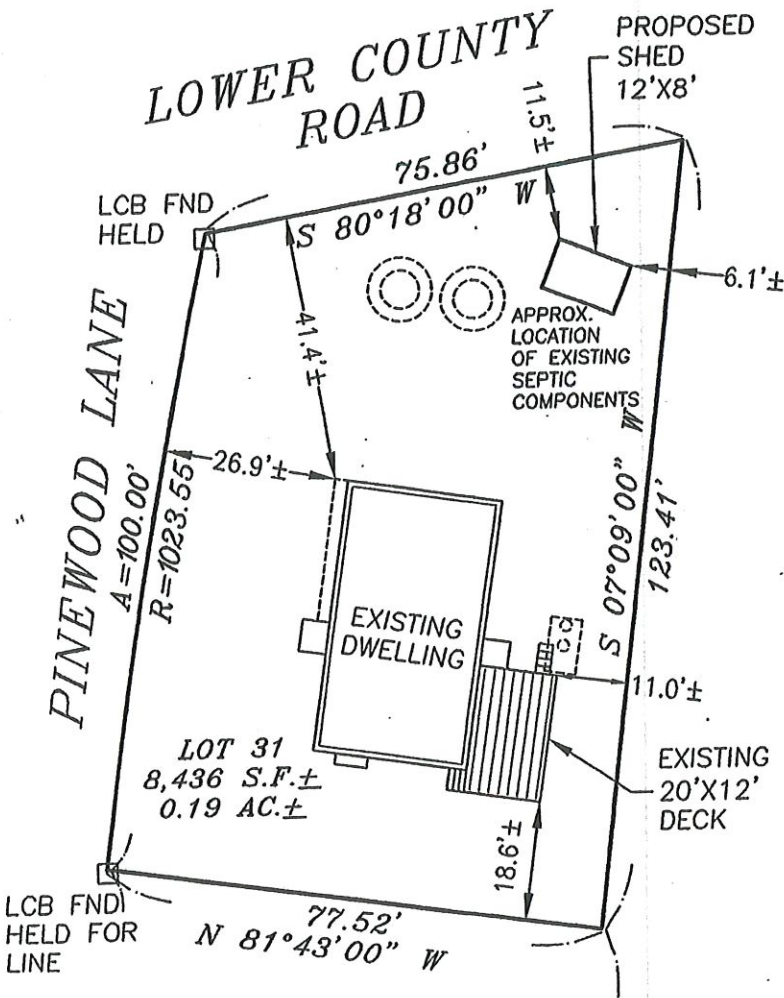
## Certified Plot Plan Location

27 Pinewood Lane  
Harwich, MA  
prepared for  
Michael Fitzwilliam

Scale: 1" = 30'  
Date: March 8, 2023

### Reference:

Assr's. Map 4, Pcl. T1-31  
L.C.P. 12465 B  
L.C.P. 29539 A  
CTF. # 218523



### ZONE R-H-1

#### Minimum Building Setbacks

Front - 25'  
Side/Rear - 20'

Lot Area = 8,436 S.F.

### BUILDING COVERAGE

#### Existing

Dwelling = 1076 S.F.±  
Total = 1076 S.F.± (12.8%)

#### Proposed

Dwelling = 1076 S.F.±  
Shed = 96 S.F.±  
Total = 1172 S.F.± (13.9%)

### SITE COVERAGE

#### Existing

Dwelling = 1076 S.F.±  
Deck/Steps = 296 S.F.±  
Total = 1372 S.F.± (16.3%)

#### Proposed

Dwelling = 1076 S.F.±  
Shed = 96 S.F.±  
Deck/Steps = 296 S.F.±  
Total = 1468 S.F.± (17.4%)

I certify that the dwelling shown hereon is located as it exists on the ground.

  
Professional Land Surveyor

Date: 3/8/2023



Job No. 13144

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Fitzwilliam Family  
27 Pinewood Lane  
West Harwich, MA 02167

Zoning Board of Appeals  
Narrative

Attn: Harwich Building Department

1. Property

The proposed project is located at 27 Pinewood Lane, a single family residence built and owned by the Fitzwilliam family since 1981.

2. Proposed Project

The scope of this project is to demolish and rebuild an attached deck on the rear side of the home. The replacement would be in the exact footprint as current. The current deck is pre-existing by at least 25 years, but nonconforming as it does not match the initially permitted 1981 deck. The current deck, as mentioned, is over 25 years of age and has become a safety issue in its deterioration. The owners wish to rebuild the deck structure, keeping the exact footprint as is currently.

3. Relief Requested

The applicants request the Board of Appeals to please grant permission via special permit so the owners may replace the deck in the same form and measurement as it exists today. As it stands, there is no permit that shows the deck, although it was permitted at a smaller size in 1981.

4. Owners Note

The Fitzwilliam Family greatly appreciates the attention to our request. We are longstanding owners in Harwich and seek to enrich the neighborhood. We maintain friendly relations with all neighbors and also support conservation work along the shoreline. We also send great thanks to Rachel and Lecia, both of whom have been very attentive and understanding as we navigate an issue that we did not realize existed with the home. The matriarch of the family is long deceased and may have held the answers to this, but we are here to ensure a proper method to rebuild.



3/22/2023

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



Telephone: (508) 430-7506

Fax: (508) 430-4703

**By First Class mail**

March 3, 2023

Michael F. Fitzwilliam  
85 Harbourside Rd.  
Quincy, MA 02171

Re: Zoning Relief Required  
Building Permit application BP-23-232  
27 Pine Wood Lane, Harwich, MA (Plan reference Assessors May 4, Pcl. T1-31),  
Zoning District R-H-1

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Dear Michael F. Fitzwilliam

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by David A. Lyttle PLS, dated February 17, 2023 the following zoning relief is first required:

*Harwich Zoning Bylaw §325-54 Alteration to a nonconforming structure*

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.

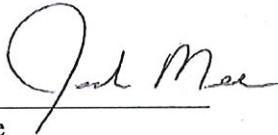
I also reserve the right, should you not expeditiously and continuously proceed with obtaining the required zoning relief or otherwise withdraw the building permit application, to deny the building permit application for incompleteness, or inconsistency with zoning, or both.

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: Gabriel I Panaite, File

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TOWN OF HARWICH  
ASSESSORS OFFICE  
732 MAIN STREET  
HARWICH, MASSACHUSETTS 02645

**\*\* Please email all Abutters Requests to [assessing@town.harwich.ma.us](mailto:assessing@town.harwich.ma.us)**

TOWN OF HARWICH  
MAR 21 2023  
ASSESSORS OFFICE

OFFICE OF  
BOARD OF ASSESSORS  
Tel: 508-430-7503  
Fax: 508-430-7086

**ABUTTERS REQUEST FORM**

Board Requesting Action: ZONING BOARD OF APPEALS

Date Submitted: 3/21/2023

Applicant's Name: GABRIEL PANAIITE

Assessors Map(s) & Parcel(s): MAP# 4 PARCEL 4T1310

Property Location: 27 PINE WOOD LN HARWICH

Owner(s): MICHELLE FITZVILIAM

Contact Person: GABRIEL PANAIITE

E-mail Address: PANAIITEGABRIEL@GMAIL.COM

Telephone #: 508 221 7881

Type of Petition: APPEAL 3/21/23

Assessors Approval By: *[Signature]*

I hereby certify that the names and addresses  
on the attached or preceding sheet (s) are of  
the owners as they appear in the assessing  
departments most recent computerized tax list

**INVOICE**

*This cover sheet is also your invoice.*

		Date	
		Paid	Ck #
Abutters Fee	\$50.00	3/21/23	1112

Make checks payable to: Town of Harwich



TOWN OF HARWICH, MA  
 BOARD OF ASSESSORS  
 732 Main Street, Harwich, MA 02645

Abutters List Within 300 feet of Parcel 4/T1-31/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
466	4-J1-14-0-R	CHRISTIE WILLIAM R & CHRISTIE LAURA A	11 HUDSON LN	6 RESOLUTE PLACE	HILTON HEAD	SC	29928
467	4-J1-15-0-R	HESSION KATHLEEN A	7 HUDSON LN	84 ADAM WAY	ATHERTON	CA	94027
471	4-J1-16-0-R	CONGDON-HOHMAN JOSHUA M & CONGDON-HOHMAN MAIANNE L	3 HUDSON LN	7 FITZGERALD LN	SOUTHBOROUGH	MA	01772
478	4-M1-1-0-R	FINKENZELLER SUSAN	204 LOWER COUNTY RD	PO BOX 431	HARWICH PORT	MA	02646
480	4-M1-2-0-R	BISHOP LINDSAY & BISHOP EVAN	5 LOUIS WAY	3 METACOMET LN	SOUTHBOROUGH	MA	01772
481	4-M1-3-0-R	HAMMARSTROM CHARLES J JR	7 LOUIS WAY	P O BOX 282	W HARWICH	MA	02671
584	4-S1-1-0-R	SCHREINER ROSEMARY A TR SCHREINER FAMILY 2005 REVOC TR	175 LOWER COUNTY RD	175 LOWER COUNTY RD	W HARWICH	MA	02671
586	4-S1-2-0-R	FEIT ANDREW	31 MANDEVILLE RD	31 MANDEVILLE RD	W HARWICH	MA	02671
588	4-S1-3-0-R	GUSTAFSON ALISON W & HARRINGTON SEAN	28 MANDEVILLE RD	29 MAST HILL RD	HINGHAM	MA	02043
590	4-S1-4-0-R	HEALY STEPHEN M JR & HEALY TARA A	29 MANDEVILLE RD	24 VILLAGE LN	HANOVER	MA	02339
592	4-S1-5-0-R	BOWMAN ROBIN G TR ROBERT J MEE IRREV TRUST	26 MANDEVILLE RD	349 APPLETON ST	N ANDOVER	MA	01845
595	4-S1-6-0-R	PALMER RONALD G &	27 MANDEVILLE RD	86 TAPPAN LANDING	TARRYTOWN	NY	10591
600	4-S1-8-0-R	IRWIN SUSAN J	23 MANDEVILLE RD	42 GROGAN AVE	QUINCY	MA	02169
8129	4-S1-15-0-R	MCDONALD BRIAN J & RICE-MCDONALD KATHLEEN	180 LOWER COUNTY RD	16 FREEDOM DR	NORTH READING	MA	01864
619	4-S1-16-0-R	RACHEOTES PETER N & RACHEOTES ROBYN M	6 BASSETTS LN	142 BIGLOW ST UNIT 138A	BRIGHTON	MA	02135

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
621	4-S1-17-0-R	LONDON SCOTT & LONDON JENNIFER	10 BASSETTS LN	7 PADDOCK WY	MARSHFIELD	MA	02050
650	4-S2-A3-1-0-R	FLEMING TIMOTHY P	28 PINE WOOD LN	C/O DEBORAH SAMPSON 4 OLD BOSTON TPKE	HUBBARDSTON	MA	01452
652	4-S2-A3-2-0-R	DONAHUE CHARLES & DONAHUE JEANETTE	24 PINE WOOD LN	17 SAVOY ST UNIT D311	BOSTON	MA	02118
654	4-S2-A3-3-0-R	DELORY JEANNE M ESTATE OF	20 PINE WOOD LN	20 PINE WOOD LN	W HARWICH	MA	02671
656	4-S2-A3-4-0-R	ELIAS GERARD L TRS ET AL ELIAS MARIA P TRS	16 PINE WOOD LN	16 PINE WOOD LN	W HARWICH	MA	02671
10463	4-S2-A4-1-0-R	CARCHIDI MAUREEN WALSH TRS CARCHIDI THOMAS P A TRS	186 LOWER COUNTY RD	115 JOHNSON DR	HOLLISTON	MA	01746
663	4-S2-A4-2-0-R	DEELEY CHRISTOPHER S TRS ET AL DEELEY PAUL J TRS	7 BASSETTS LN	16 KENNEY ST	NEEDHAM	MA	02492
664	4-S2-A4-3-0-R	LONGOBARDI RONALD P	13 BASSETTS LN	53 PLEASANT ST	W HARWICH	MA	02671
655	4-S2-A3-3A-0-R	FEIT ANDREW	0 LOWER COUNTY RD	31 MANDEVILLE RD	W HARWICH	MA	02671
703	4-T1-10-0-R	COOK EILEEN J C/O GERALD COOK	43 GREEN NEEDLE LN	43 GREEN NEEDLE LN	W HARWICH	MA	02671
705	4-T1-11-0-R	BENEVIDES JAMES J TRS ET AL BENEVIDES JERALDINE C TRS	34 GREEN NEEDLE LN	65 DELCOR DR	WALPOLE	MA	02081
708	4-T1-19-0-R	OSTIGUY CHARLES & GILHEENEY SHANNON	11 PINE NEEDLE LN	11 PINE NEEDLE LN	W HARWICH	MA	02671
709	4-T1-20-0-R	KELLY MATTHEW E TR KELLY FAMILY TRUST	15 PINE NEEDLE LN	15 PINE NEEDLE LN	W HARWICH	MA	02671
710	4-T1-21-0-R	MCKENNA STEPHEN & MCKENNA ELLEN	19 PINE NEEDLE LN	44 TERRY DR	LONGMEADOW	MA	01106
711	4-T1-22-0-R	MCGINN JUDITH ANN	44 GREEN NEEDLE LN	44 GREEN NEEDLE LN	W HARWICH	MA	02671
713	4-T1-23-0-R	MIELE ROBERT J & MIELE LINDA A	18 PINE NEEDLE LN	20 PROSPECT ST	READING	MA	01867
714	4-T1-24-0-R	APPLEBAUM MATTHEW S & APPLEBAUM NICOLE M	16 PINE NEEDLE LN	11 CEDAR FARMS RD	MEDWAY	MA	02053
718	4-T1-25-0-R	ONEILL GAIL ET AL TOTH PATRICIA A	12 PINE NEEDLE LN	26 MORNINGSIDE DR	GREENWICH	CT	06830
727	4-T1-29-0-R	GACEK RICHARD	19 PINE WOOD LN	2481 RIVER RD	NEW HOPE	PA	18938
729	4-T1-30-0-R	CAVANAUGH JOSEPH F TR JOSEPH F CAVANAUGH REVOC TRUST	23 PINE WOOD LN	22 EISENHOWER CIR	WELLESLEY	MA	02482-7107
731	4-T1-31-0-R	FITZWILLIAM MICHAEL F TR MICHAEL F FITZWILLIAM LIVING T	27 PINE WOOD LN	85 HARBOURSIDE RD	QUINCY	MA	02171
733	4-T1-33-0-R	HOGAN DIANE L TRS ET AL WARD DEBORAH L TRS	192 LOWER COUNTY RD	9 EDGEWATER DR	PEMBROKE	MA	02359
736	4-T1-34-0-R	SCHINELLER WILLIAM J & SCHINELLER SUZZANNE J	6 LOUIS WAY	37 JARMAN RD	SUDBURY	MA	01776
738	4-T1-35-0-R	MASLOWSKI EMMANUELLA ET AL MASLOWSKI MARY A	10 LOUIS WAY	10 LOUIS WAY	W HARWICH	MA	02671
743	4-T1-40-0-R	BEADES KRISTEN L & BEADES BRIAN M	190 LOWER COUNTY RD	21 TUDOR LN	SCARSDALE	NY	10583
726	4-T1-28B-0-R	PATERSON BRIAN C TR BRIAN C PATERSON DEC OF TRUST	15 PINE WOOD LN	9 HALLVIEW DR	SIMSBURY	CT	06070
746	4-T2-7-0-R	RACHEOTES NICHOLAS P TRS ET AL RACHEOTES RUTH E TRS	33 GREEN NEEDLE LN	59 MAPLETON ST	BRIGHTON	MA	02135
748	4-T2-8-0-R	FERRUCCI JOHN G & FERRUCCI CLAIRE B	37 GREEN NEEDLE LN	10 SAW MILL POND RD	HINGHAM	MA	02043
752	4-T2-9-0-R	WELCH JOHN	203 LOWER COUNTY RD	6 STEBBINS AVE	BROCKTON	MA	02401