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ZB 2023-32
Case #



2023 OCT 25 A 10:58
732 Main Street, Harwich, Massachusetts 02645

TOWN OF HARWICH

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:

Bova Cove Road Traffic Island Said property is further described on

Assessor's Map # 126 and Parcel # N/A located in the RR Zoning District as shown on the attached plan.

Describe

Petition/Appeal: requesting variances from zoning requirements for a municipal owned pumping station -

Relief requested - Cite specific Bylaw Section(s): 325-21, 325-18G, 325-52

Signature of Owner (or Agent) [Signature]

Date 10/24/23

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

Owner Name Joseph F. Powers, Town of Harwich, MA

Phone No. 508-430-7513

Mailing Address: 732 Main St, Harwich, MA 02645

Agent Name: Daniel Pelletier

Phone No. 508-432-0304

Mailing Address: 196 Chatham Rd, Harwich, MA 02645

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.**

Name of Applicant: Town of Harwich, MA

Address of Property: Bova Cove Road Traffic Island

Zoning District: RR

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: n/a

Name/Address of Engineer/Architect: GHD, 1545 Iyannough Rd, Hyannis, MA

Name/Address of Attorney: Amy Kwesell / 101 Arch St, Boston, MA 02110

Subject	Existing	Required	Proposed
Lot Area (square feet)	1540	40000	1540
Frontage (linear feet)	149	150	149
Front Yard Setback (feet)	n/a	5	14
Side yard Setback (feet)	n/a	20	11
Rear Yard Setback (feet)	n/a	5	21
Any Yard Setback - Specify which:	side		
Building Coverage (%)	0	0-15%	4%
Site Coverage (%) (see 325-2)	0	0-25%	4%
Building Height (see 325-2 & 325-108)*	0	0-30ft	8ft
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: side yard setbacks, lot frontage, lot area

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: Municipal pumping station location

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:  Date: 10/24/23



Bova Cove Pumping Station Zoning Narrative

The Town of Harwich is seeking relief from the Zoning Bylaws for each of the following pumping station:

- Bova Cove cul-de-sac/traffic island

The Harwich Phase 3 Sewer Project will allow the Town to continue implementing their approved Comprehensive Wastewater Management Plan (CWMP). This project will continue the sewer implementation called for in the CWMP to address nitrogen loading from septic systems by implementing a wastewater collection system to sewer watersheds that impact coastal estuaries. This collection system extension is part of the Town's approach of achieving nitrogen Total Maximum Daily Load (TMDL) compliance. This project will address a portion of the Pleasant Bay Watershed including Muddy Creek Upper and Lower, Round Cove, and Pleasant Bay sub watersheds in compliance with the Town's existing Watershed Permit for Pleasant Bay. Construction for Phase 3 will include approximately 9 miles of sewer and 5 pumping stations.

The purpose of this application is to obtain variances – relief requested- from setback requirements set forth in the Harwich Zoning Bylaw, Sections 325-21, 325-52, and 325-18G.

This site will include the construction of a new municipal pumping station including backup generator, electrical enclosure, buried wet well and buried valve vault and associated piping and appurtenances.

GHD is requesting relief on behalf of the Town of Harwich for setbacks, lot frontage, and lot area in the amounts shown on the attached plans.

OFFICE OF THE TOWN ADMINISTRATOR

Joseph F. Powers, *Town Administrator*
Meggan Eldredge, *Assistant Town Administrator*

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



Zoning Board of Appeals
C/O Town of Harwich
732 Main Street
Harwich, MA 02645

RE: Town of Harwich Zoning Board of Appeals Application for Variance for the Route 39 Island and Bova Cove Island Pumping Stations

Harwich Phase 3 Sewer Extension Project

Dear Zoning Board Members,

This letter is in support of the Town of Harwich's application for a variance for the locating of wastewater pumping stations at the end of Bova Cove Lane and the road island on Route 39 near the intersection with Church Street.

These properties are owned by the Town of Harwich, as such, I hereby authorize, on behalf of the Harwich Select Board, the Town of Harwich and the Town's engineering consultant (GHD Inc.), to file and submit the application and other requested documents related to this process in order for this critical infrastructure project to proceed.

Please feel free to contact me should you need any further information in support of this application. Thank you for your attention to this matter.

Sincerely,

Joseph F. Powers
Town Administrator
Town of Harwich, MA

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

Town of HARWICH Abutters Within 300 feet of Parcel 117/X1-108/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
10320	117-T1-2-0-R	YUEN WAYYIN ET AL WILSON KARA A	1770 ORLEANS RD	1770 ORLEANS RD	HARWICH	MA	02645
10329	117-V1-0-R	KEON CHRISTOPHER & KEON CRYSTAL	1776 ORLEANS RD	1776 ORLEANS RD	HARWICH	MA	02645
10334	114-R3-2-0-R	TALOU MIS CHRISTOPHER	5 GEORGE HOLBROOK WAY	PO BOX 2036	ORLEANS	MA	02653
10375	117-X1-94-0-R	DAVENPORT PALMER ET AL TRUSTEE DAVENPORT REALTY TRUST	1779 ORLEANS RD	20 N MAIN ST	S YARMOUTH	MA	02664
10376	117-X1-95-0-R	DAVENPORT PALMER ET ALS TRUSTE SOUTH YARMOUTH NOMINEE TRUST	1783 ORLEANS RD	20 N MAIN ST	S YARMOUTH	MA	02664
10378	117-X1-96-0-R	CURRAN JAMES S JR ET AL LUNDY BRIGID F	1785 ORLEANS RD	1785 ORLEANS RD	HARWICH	MA	02645
10389	117-X1-103-0-R	HAZART - ROSHAN CAREN	20 CONNECTICUT AV	20 CONNECTICUT AV	HARWICH	MA	02645
10390	117-X1-104-0-R	TARNOWSKI LOUIS D TRS, CYNTHIA YAFFE MICHAEL A, HEATHER	16 CONNECTICUT AV	16 FIELDSTONE DR	MATTAPOISETT	MA	02739
10391	117-X1-105-0-R	FAHERTY MARK S ET AL HYATT EMILY R	12 CONNECTICUT AV	12 CONNECTICUT AV	HARWICH	MA	02645
10392	117-X1-107-0-R	WESP JOHN A TRS & WESP KATHLEEN M TRS	2 CONNECTICUT AV	2 CONNECTICUT AV	HARWICH	MA	02645
10393	117-X1-108-0-R	MCGEE DEBORAH	11 BROTHERS LN	11 BROTHERS LN	HARWICH	MA	02645
10394	117-X1-109-0-R	CIMMINELLO LOUIS J & CIMMINELLO DEBORAH ANN	7 BROTHERS LN	25 STARLIGHT DR	NORWALK	CT	06851
10395	117-X1-110-0-R	GARNICA LUCIO KIRBY-SCOTT & GARNICA ALANA LEIGH	0 BROTHERS LN	415 MASSASOIT RD	EASTHAM	MA	02651
10396	117-X1-111-0-R	MEE RYAN & MEE SHARON	10 BROTHERS LN	18 MAUD GRAHAM CIR	BURLINGTON	MA	01803
10397	117-X1-112-0-R	NOLAN MICHAEL & NOLAN NADINE	6 BROTHERS LN	685 BAY STREET UNIT 21	TAUNTON	MA	02780
10410	117-X1-128-0-R	BARRY LAWRENCE J	21 CONNECTICUT AV	21 CONNECTICUT AVE	E HARWICH	MA	02645
10412	117-X1-130-0-R	MACAFEE MARY JANE	15 CONNECTICUT AV	15 CONNECTICUT AV	HARWICH	MA	02645
10415	117-X1-134-0-R	WOODWARD WILLIAM H & WOODWARD MARY	9 CONNECTICUT AV	9 CONNECTICUT AV	HARWICH	MA	02645

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
10416	117-X1-135-0-R	YOU XIN & HUANG SU	5 CONNECTICUT AV	9 GRAYSON RD	WINCHESTER	MA	01890
10417	117-X1-136-0-R	BOVE LESLIE J TR LESLIE J BOVE 2020 REV TRUST	3 CONNECTICUT AV	273 KING PHILLIP RD	BREWSTER	MA	02631
11649	114-R4-3-0-R	SARVER LEONARD & SARVER SANDRA	2 BOVACOVE RD	2 BOVACOVE RD	HARWICH	MA	02645
11650	114-R4-4-0-R	GERMANN BRENDA L	3 BOVACOVE RD	3 BOVACOVE RD	HARWICH	MA	02645
11651	114-R4-5-0-R	SHEA KEVIN J TRS ET AL SHEA ANN M TRS	4 BOVACOVE RD	4 BOVACOVE RD	HARWICH	MA	02645
11652	114-R4-6-0-R	CETRINO MARY T TR CETRINO FAMILY REALTY TRUST	5 BOVACOVE RD	5 BOVACOVE RD	HARWICH	MA	02645
11653	114-R4-7-0-R	LOFBERG FLORENCE B	6 BOVACOVE RD	6 BOVACOVE RD	HARWICH	MA	02645
11654	114-R4-8-0-R	RAYMOND THOMAS E SR RAYMOND SHEILA M	1 CONNECTICUT AV	1 CONNECTICUT AV	HARWICH	MA	02645
19460	114-R5-4-0-R	STEARNS GEOFFREY B & STEARNS SUSAN B	11 PLEASANT BAY CT	11 PLEASANT BAY CT	HARWICH	MA	02645
19461	114-R5-5-0-R	BRADY KIMBERLY & BRADY PATRICK J	9 PLEASANT BAY CT	31 SWEET MEADOW DR	S EASTON	MA	02375
7982	117-X1-93-0-R	ELLIOT ERIC	1775 ORLEANS RD	1775 ORLEANS RD	HARWICH	MA	02645
8337	117-X1-92-0-R	BARRY NANCY P TRS BARRY FAMILY LIVING TRUST	1771 ORLEANS RD	61 PLEASANT ST	NEEDHAM	MA	02492
8338	117-X1-106-0-R	JORDAN BRIAN & JORDAN JOY C	6 CONNECTICUT AV	6 CONNECTICUT AV	E HARWICH	MA	02645