



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:

13 BRADDOCK STREET

Said property is further described on

Assessor's Map # 7 and Parcel # F13 located in the R-H-1 Zoning District as shown on the attached plan.

Describe

Petition/Appeal: RAZE AND REPLACE PRE-EXISTING NON-CONFORMING GARAGE

Relief requested - Cite specific Bylaw Section(s):

SECTION 325-54 & TABLE 2

Signature of Owner (or Agent) Thomas Moore

Date 12/27/23

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

Owner Name MARK & ALLISON MICHAUD

Phone No. 603-264-2321

Mailing Address: 11 CHERRY LANE BEDFORD, N.H. 03110

Agent Name: THOMAS A. MOORE DESIGN CO.

Phone No. 508-896-6403

Mailing Address: P.O. Box 2124

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.

2023 DEC 28 A 9:59  
TOWN CLERK  
HARWICH, MA

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: ALYSON & MARC MICHAUD

Address of Property: 13 BRADDOCK STREET

Zoning District: RH-1

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 X

If Yes, specify District(s): \_\_\_\_\_

Year Structure(s) Built: 1940

Name/Address of Engineer/Architect: THOMAS A. MOORE DESIGN CO.

Name/Address of Attorney: \_\_\_\_\_

Subject	Existing	Required	Proposed
Lot Area (square feet)	17,862 ±	40,000	17,862 ±
Frontage (linear feet)	184.52'	150'	184.52'
Front Yard Setback (feet)	26.0'	25'	26.5'
Side yard Setback (feet)	1.5'	70'	4.0'
Rear Yard Setback (feet)	27.4'	70'	22.5'
Any Yard Setback - Specify which:			
Building Coverage (%)	11.7%	30%	13.4%
Site Coverage (%) (see 325-2)	24.6%	35%	26.9%
Building Height (see 325-2 & 325-108)*	13' ±	30'	25.33' ±
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>			
A. Net Floor Area of the Principal Dwelling	1765		
B. Net Floor Area of the proposed Accessory Apartment			737
* 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

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: Thomas A. Moore Date: 12/27/23

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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



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

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**By First Class Mail**

November 27, 2023

MICHAUD MARC J TRS ET AL  
MICHAUC ALLISON TRS  
11 CHERRY LN  
BEDFORD, NH 03110

Re: Zoning Relief Required  
13 Braddock St, Harwich Port, MA (Parcel ID 7 F13-0)  
Zoning District RH-1

Dear Marc & Allison Michaud,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Down Cape Engineering Inc., dated October 25, 2023, we cannot issue without relief listed below.

*Harwich Zoning Bylaw §325-54 "Nonconforming Structures and Uses."*  
*Harwich Zoning Bylaw §325 – Attachment 2, Table 2, Area regulations*

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.

The Town 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.

**TOWN OF HARWICH**

*Building Department*  
732 Main Street  
Harwich, MA 02645



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

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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 this further, as necessary.

Respectfully,

---

Jack Mee  
Harwich Building Commissioner

P.O. BOX 2124  
949 LONG POND ROAD/RTE. 137

BREWSTER, MA 02631  
508-896-6403



## THOMAS A. MOORE DESIGN COMPANY

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December 27, 2023

Town of Harwich  
Zoning Board of Appeals  
732 Main Street  
Harwich, MA. 02645

Re: Marc & Allison Michaud  
13 Braddock Street  
Harwichport, MA

Dear Zoning Board of Appeals Members,

We are requesting a special permit to raze and replace a pre-existing non-conforming garage with a new garage and Accessory Dwelling Unit above as required by Section 325, Table 2 & Section 325-54.

The existing garage is non-conforming in that it is 1.5' from the left side property line where 20' is required. The existing garage meets the setback requirements at the front and rear. The proposed new garage will be setback 4.0' from the left side property line. A shift of 2.0'+- improvement in the setback.

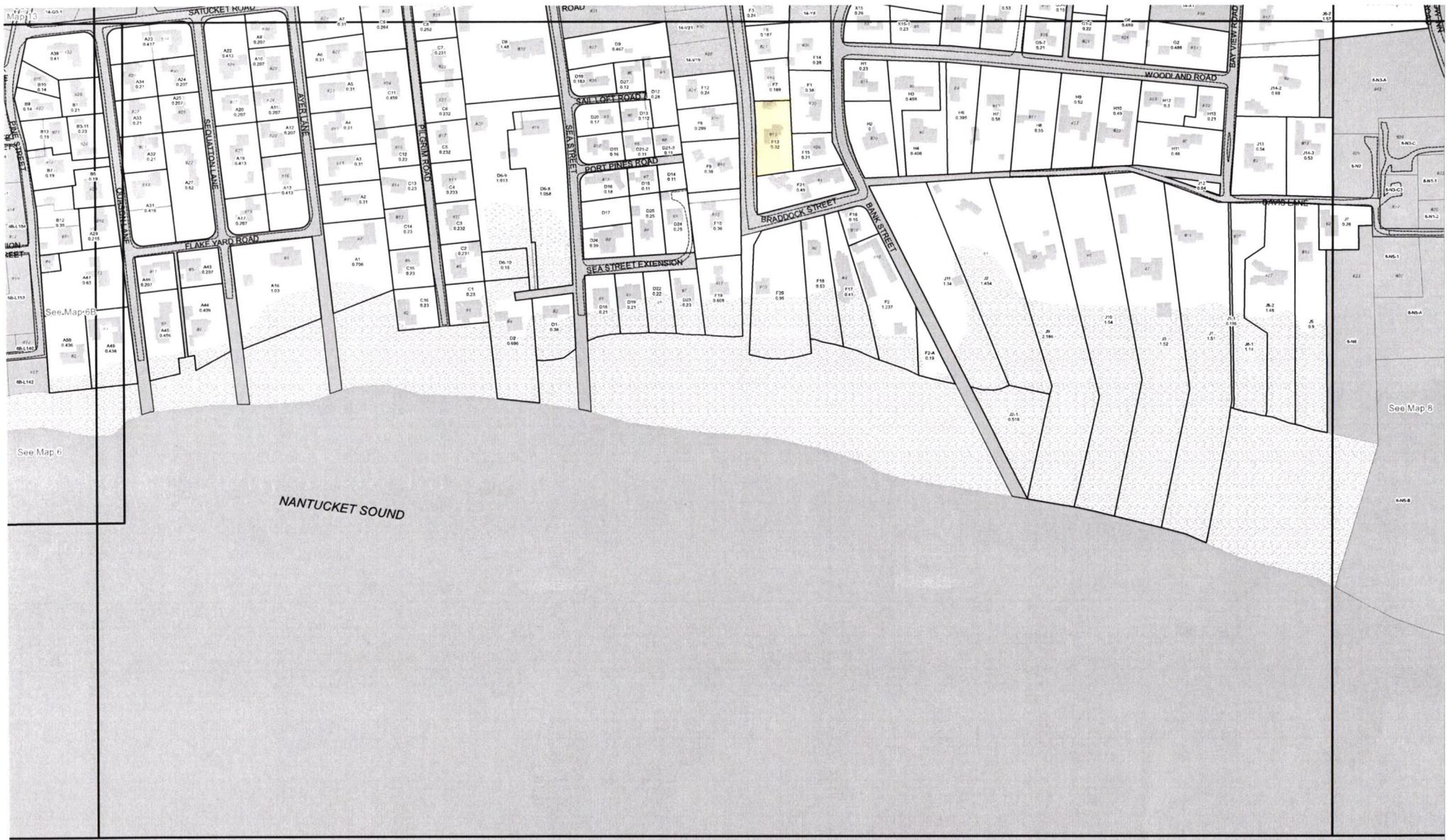
The proposed garage will have a second floor Accessory Dwelling Unit that will have one bedroom, a kitchen area, a bathroom and a living area. The total square footage of the unit will be 737+- s.f.

The proposed new garage/accessory dwelling unit will be less non-conforming than the existing structure and will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.

Respectfully Submitted,

Handwritten signature of Thomas A. Moore in blue ink.

Thomas A. Moore (Agent)



REVISED & REPRINTED BY  
**AI Technologies**  
 Precision Mapping, Geospatial Solutions  
 11 Newbury Street, Boston, MA 02111  
 800-325-0000 www.aitech.com

Note:  
 These maps are not intended for use in conveying or for engineering design purposes. The Town of Harwich and its representatives shall not be held liable for any reuse of this information.

**TOWN OF HARWICH**  
**ASSESSORS MAP**  
 January 2022

100 Feet

13	14	15
4	7	8

N

**MAP 7**

December 27, 2023

Town of Harwich  
Zoning Board of Appeals  
732 Main Street  
Harwich, MA. 02645

Re: Marc & Allison Michaud  
13 Braddock Street  
Harwichport, MA

Dear Town of Harwich Board of Appeals,

We have authorized the Thomas A. Moore Design Company to represent us in the matter of the Special permit for our project at 13 Braddock Street in Harwichport, MA 02646.

If you have any questions you may reach us at 603-264-2321.

Sincerely,

Client name

Marc J Michaud

Client name

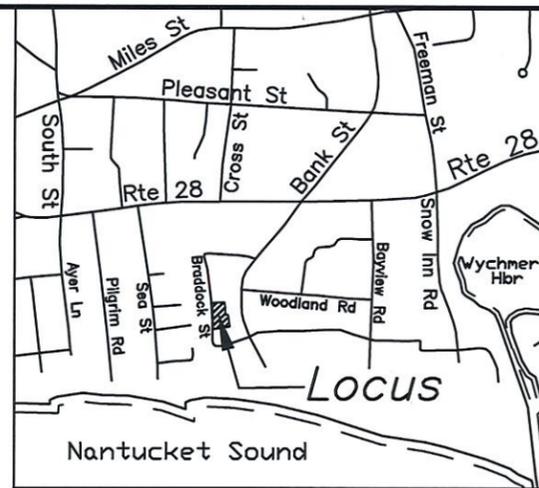
Allison Michaud

Zoning Compliance

Zone: R-H-1	Zoning	Existing House	Existing Garage
Min Front Setback	25'	26.0'	26.0'
Min Side Setback	20'	71.4'	1.5'
Min Rear Setback	20'	14.3'	27.4'
Total Building Coverage	(5358sf) 30%max	(2082sf) 11.7%	
Total Site Coverage	(6251sf) 35%max	(4400sf) 24.6%	

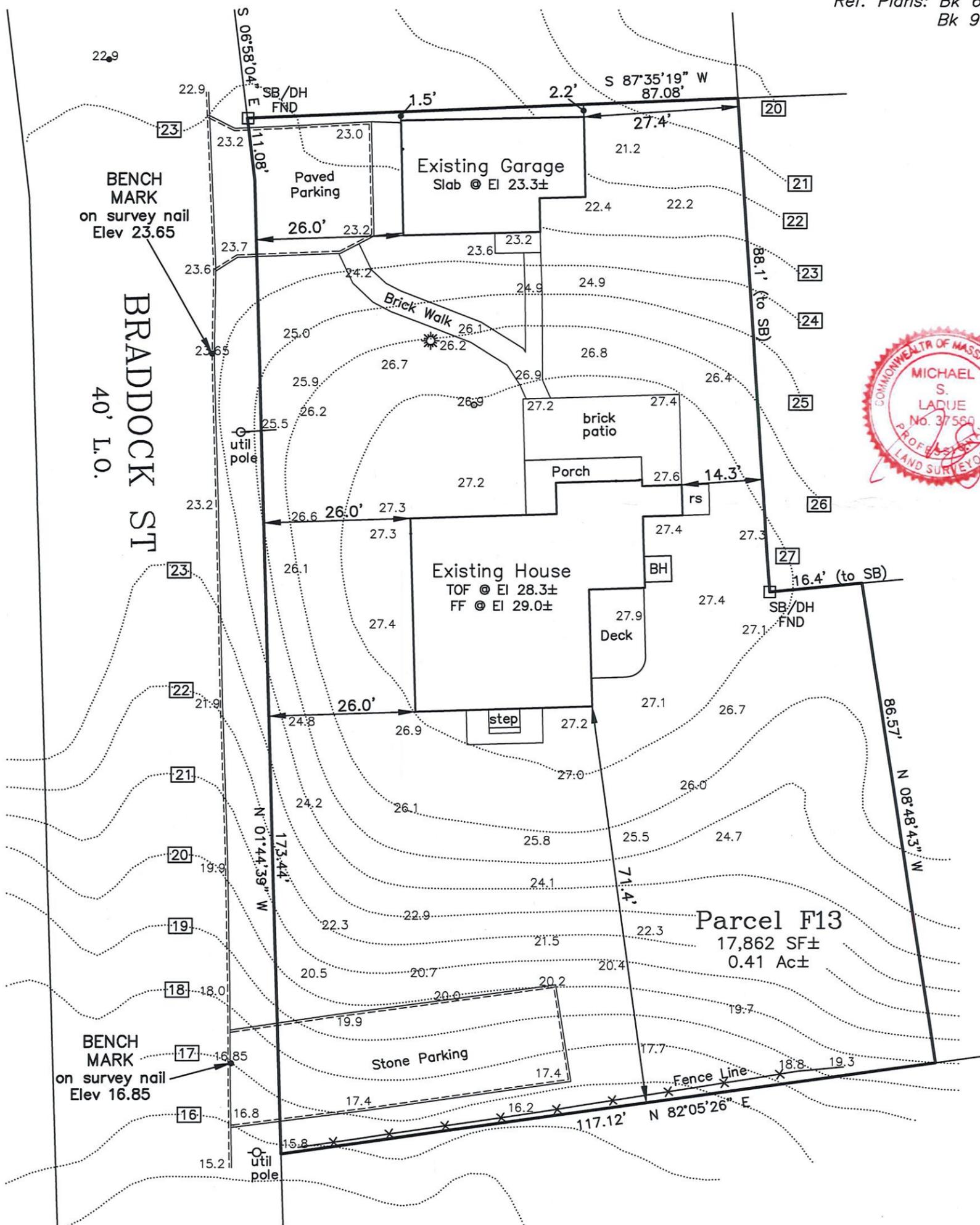
NOTE:

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



LOCATION MAP

Assessors Map: 7  
Parcel: F13  
Deed Bk.30370, Pg. 50  
Ref. Plans: Bk 685 Pg 92  
Bk 97 Pg 139



**MORAN ENGINEERING ASSOC.**

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

**EXISTING CONDITIONS PLOT PLAN**

Prepared For: Marc & Allison Michaud

13 BRADDOCK STREET HARWICH PORT, MA

PROJECT: 23-156

DATE: 8/8/2023

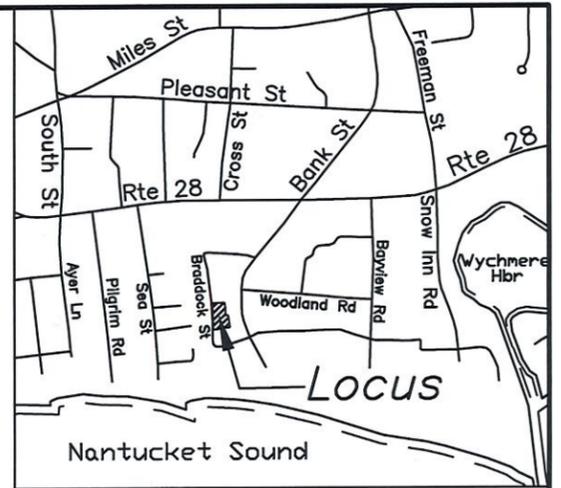
SCALE: 1" = 20'



\*Elevation Datum is NAVD-88

Zoning Compliance

Zone: R-H-1	Zoning	Existing House	Existing Garage	Proposed New Bldg
Min Front Setback	25'	26.0'	26.0'	26.5'
Min Side Setback	20'	67.1'	1.5'	4.0'
Min Rear Setback	20'	14.3'	27.4'	22.5'
Total Building Coverage	(5358sf) 30%max	(2082sf) 11.7%	(2394sf) 13.4%	
Total Site Coverage	(6251sf) 35%max	(4400sf) 24.7%	(4785sf) 26.8%	

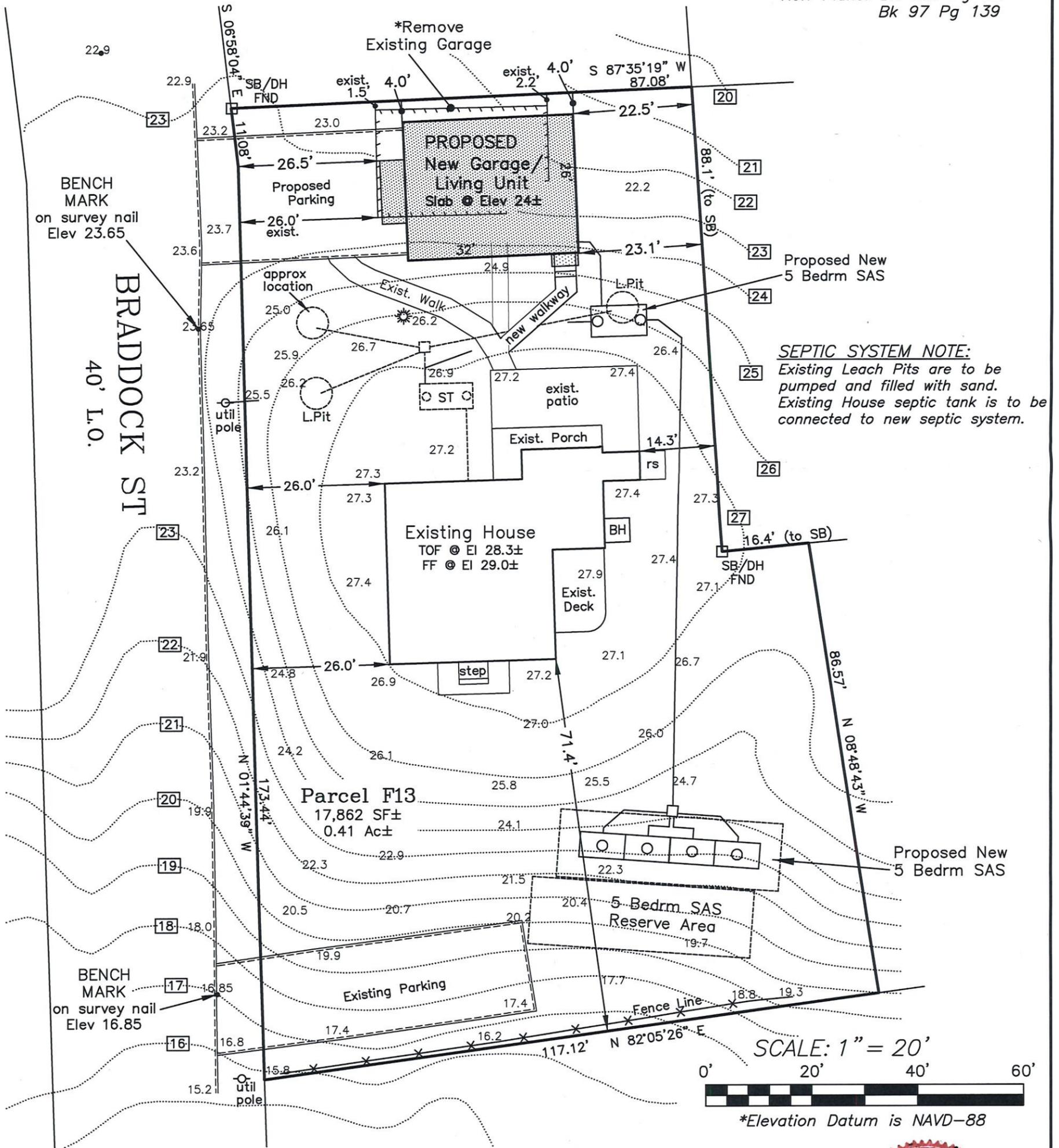


LOCATION MAP

Assessors Map: 7  
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Ref. Plans: Bk 685 Pg 92  
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NOTE:

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



**MORAN ENGINEERING ASSOC.**

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

**PROPOSED CONDITIONS PLOT PLAN**

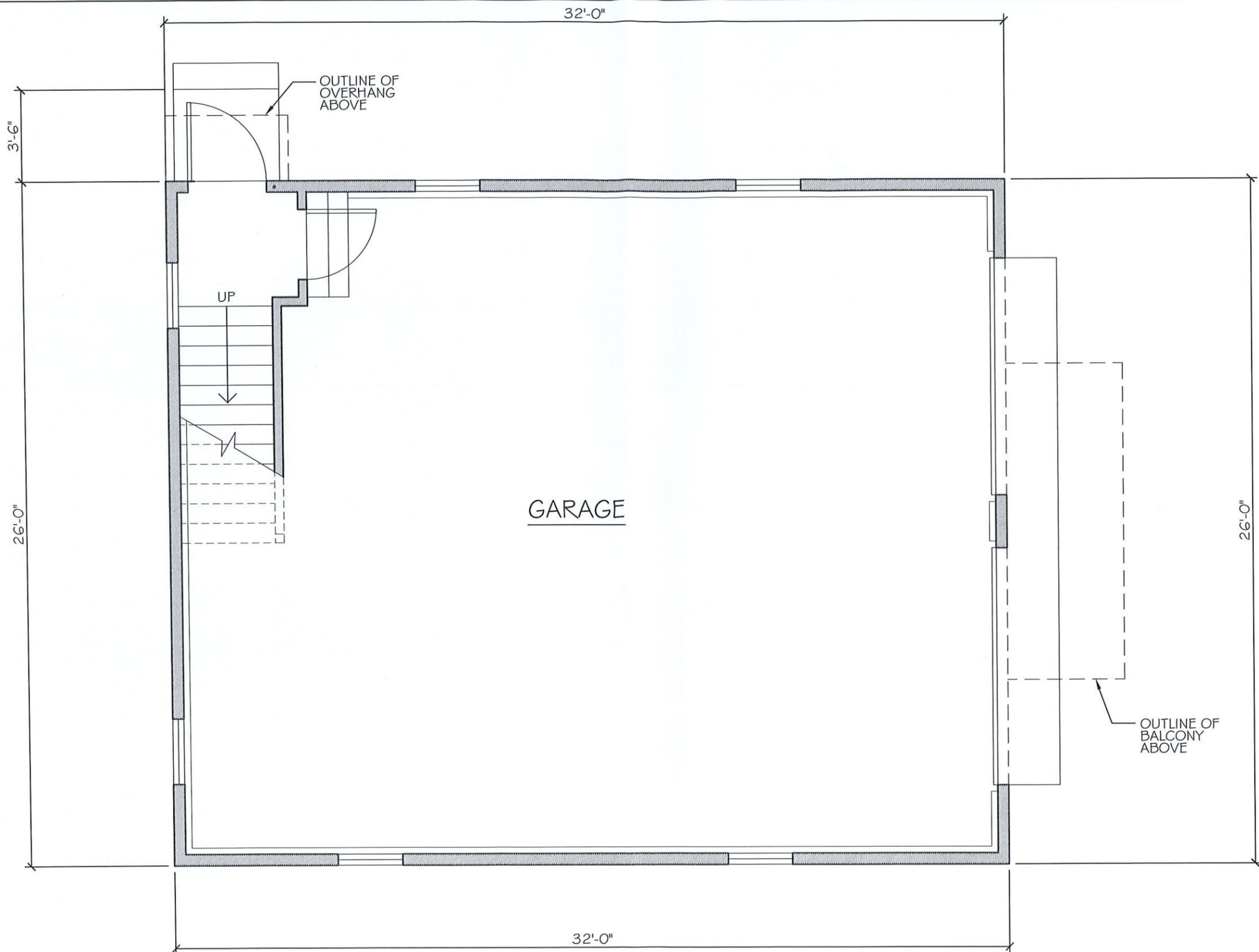
Prepared For: Marc & Allison Michaud

13 BRADDOCK STREET HARWICH PORT, MA

PROJECT: 23-156

DATE: 11/14/2023





FIRST FLOOR PLAN

DESIGNED/DRAWN BY:  
 THOMAS A. MOORE DESIGN CO.  
 P.O. BOX 2124 949 ROUTE 137  
 BREWSTER, MA. (508) 896-6403

NEW GARAGE FOR:  
**ALLISON & MARC MICHAUD**  
 13 BRADDOCK STREET  
 HARWICHPORT, MA

SCALE :  
 1/4" = 1'-0"

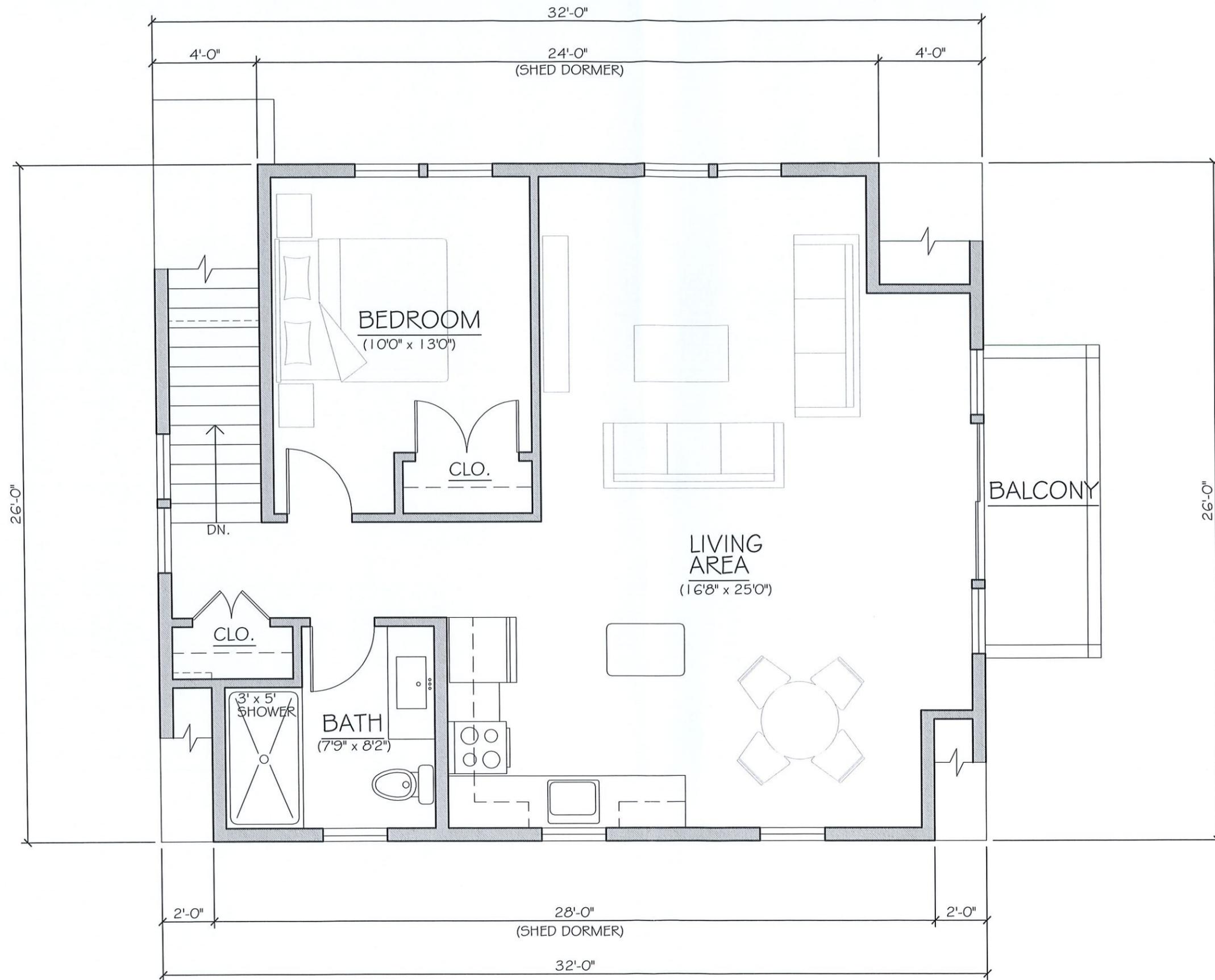
DATE :  
 12/27/2023

PROJ. NO.  
 2023-497

DWG. NO. :

**A1**





# SECOND FLOOR PLAN



DESIGNED/DRAWN BY:  
 THOMAS A. MOORE DESIGN CO.  
 P.O. BOX 2124 949 ROUTE 137  
 BREWSTER, MA. (508) 896-6403

NEW GARAGE FOR:  
**ALLISON & MARC MICHAUD**  
 13 BRADDOCK STREET  
 HARWICHPORT, MA

SCALE :  
 1/4" = 1'-0"

DATE :  
 12/27/2023

PROJ. NO.  
 2023-497

DWG. NO. :

# A2

TYPICAL 1 x 8 "FLYING RAKE"  
BOARDS W/CROWN MOULDING  
& 1 x 6 SUB-RAKE

TYPICAL 1 x 8 RAKE BDS.  
W/ 1 x 3 DRIP BD.

TOP OF PLATE

7'-8 1/2"  
(88" STUDS)

25'-4"±  
(BUILDING HEIGHT)

SECOND FLOOR  
SUBFLOOR

TYPICAL WHITE CEDAR  
SHINGLE SIDING  
5"± TO WEATHER  
AT FRONT, SIDES  
& REAR

TOP OF PLATE

7'-8 1/2"  
(88" STUDS)

SECOND FLOOR  
SUBFLOOR

9'-0"

FRONT ELEVATION

TYPICAL ASPHALT  
ROOF SHINGLES

TYPICAL 1 x 8 FASCIA  
& FRIEZE BOARDS

RIGHT SIDE ELEVATION



DESIGNED/DRAWN BY:  
THOMAS A. MOORE DESIGN CO.  
P.O. BOX 2124 949 ROUTE 137  
BREWSTER, MA. (508) 896-6403

NEW GARAGE FOR:  
**ALLISON & MARC MICHAUD**  
13 BRADDOCK STREET  
HARWICHPORT, MA

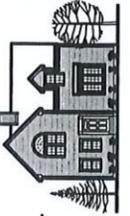
SCALE :  
3/16" = 1'-0"

DATE :  
12/27/2023

PROJ. NO.  
2023-497

DWG. NO. :

**A3**



DESIGNED/DRAWN BY:  
 THOMAS A. MOORE DESIGN CO.  
 P.O. BOX 2124 949 ROUTE 137  
 BREWSTER, MA. (508) 896-6403

NEW GARAGE FOR:  
**ALLISON & MARC MICHAUD**  
 13 BRADDOCK STREET  
 HARWICHPORT, MA

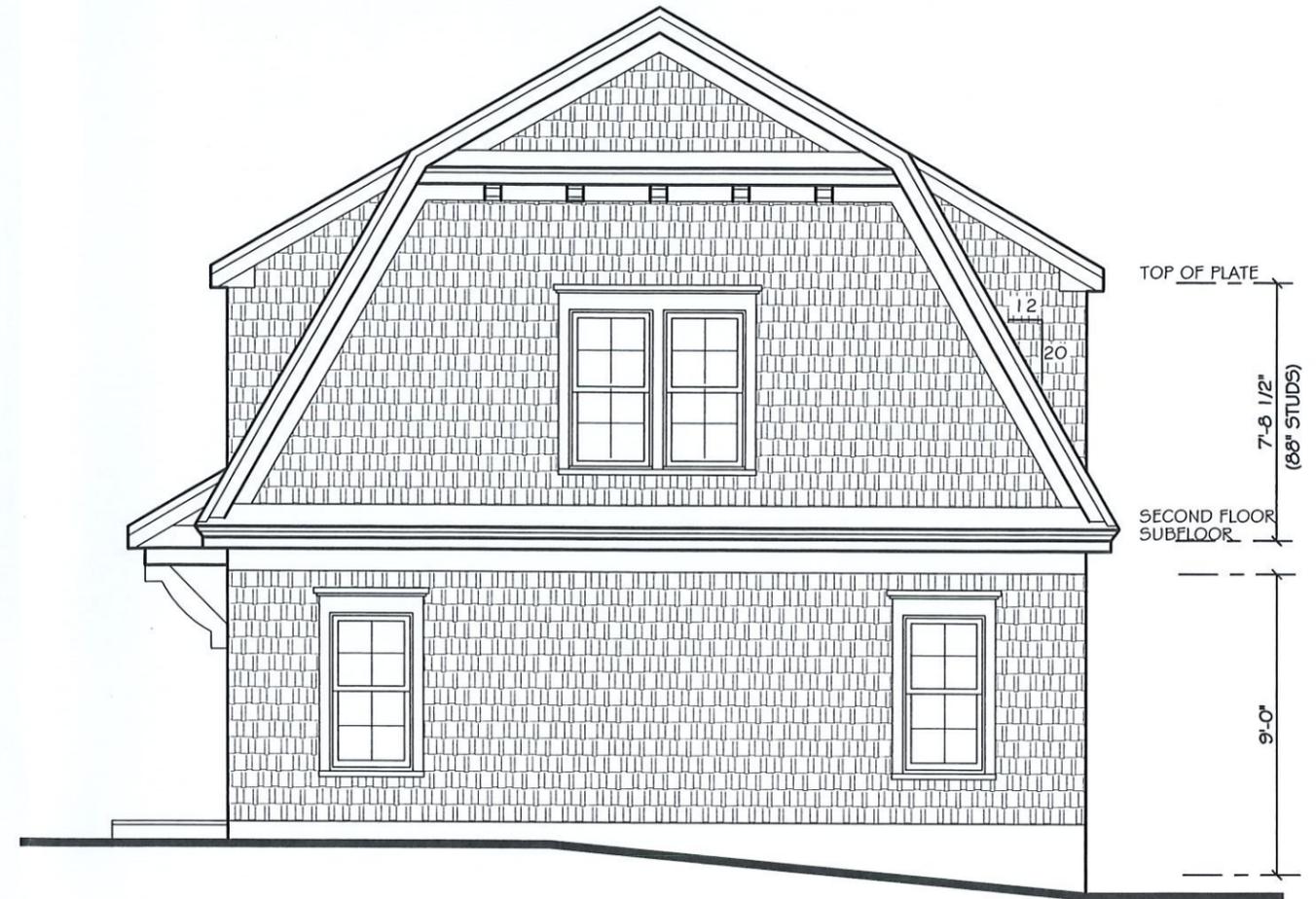
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DATE :  
 12/27/2023

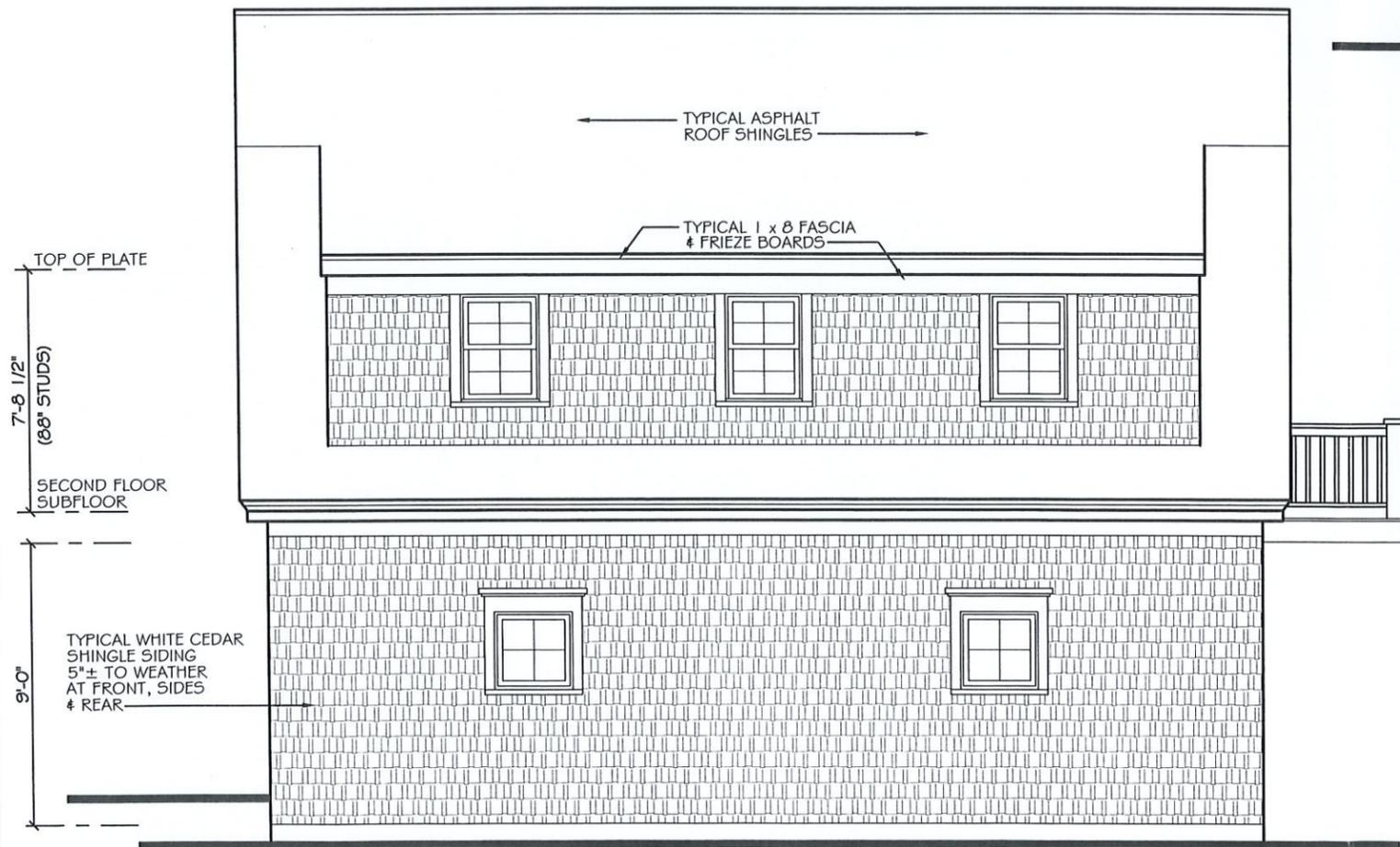
PROJ. NO.  
 2023-497

DWG. NO. :

**A4**

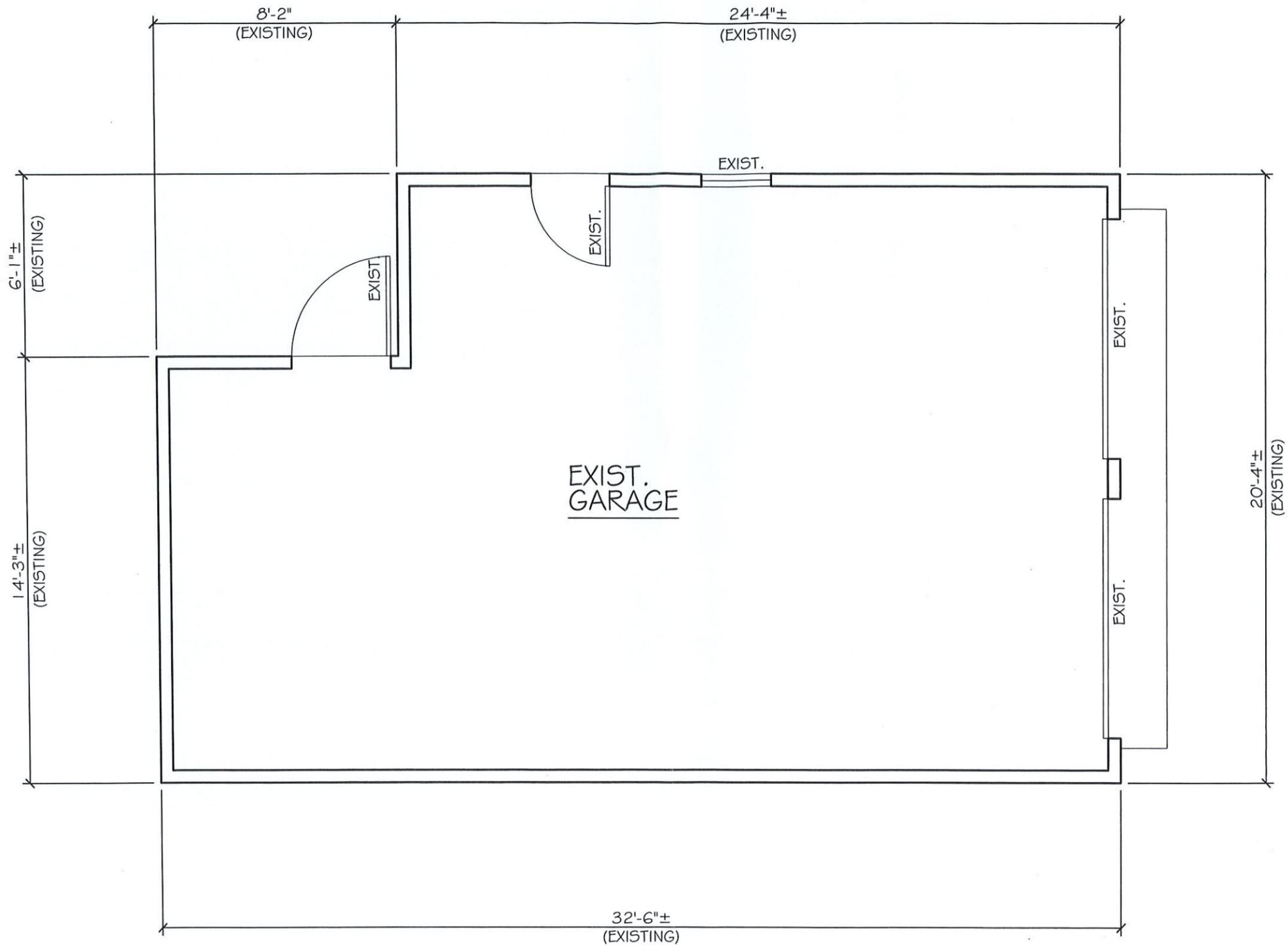


REAR ELEVATION



LEFT SIDE ELEVATION





# FLOOR PLAN

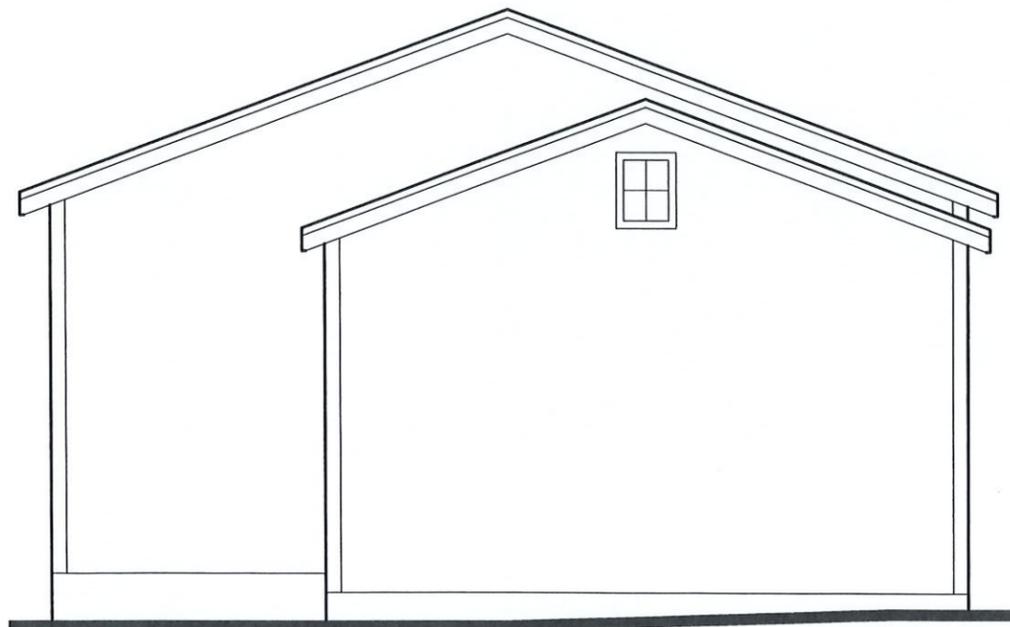




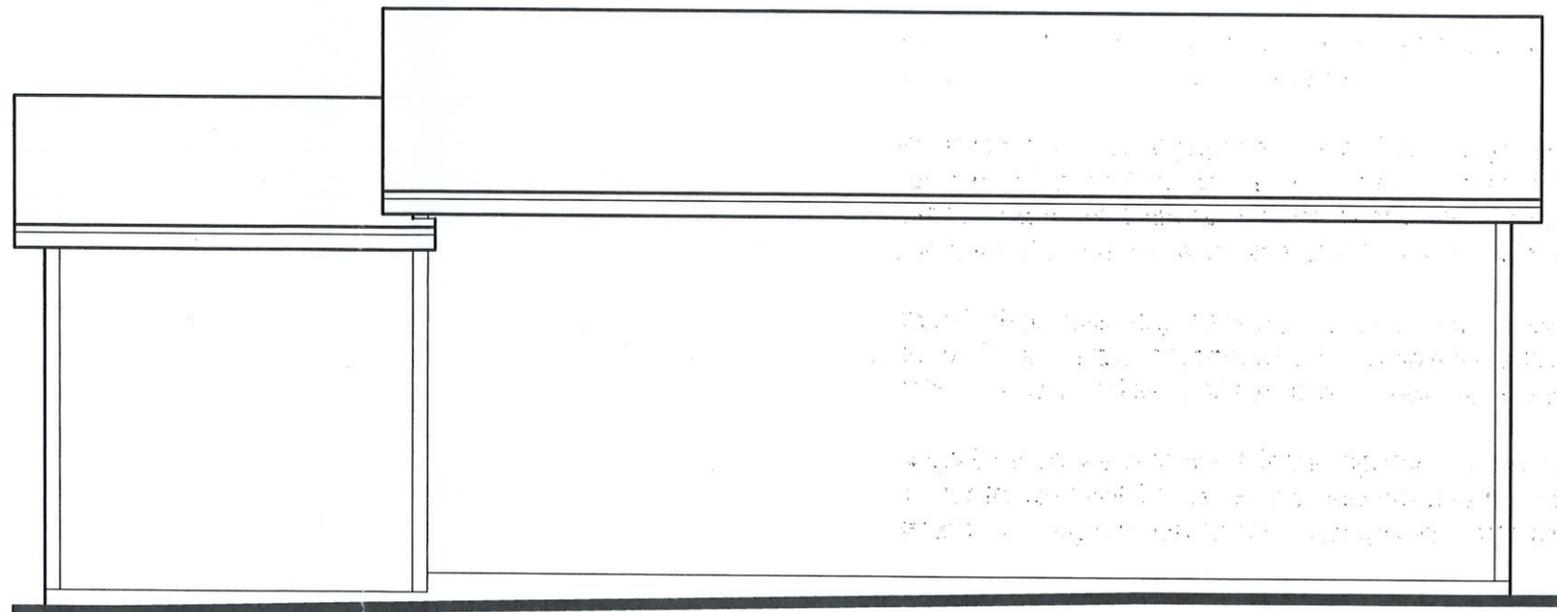
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



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THOMAS A. MOORE DESIGN CO.  
P.O. BOX 2124 949 ROUTE 137  
BREWSTER, MA. (508) 896-6403

EXISTING GARAGE FOR:  
**ALLISON & MARC MICHAUD**  
13 BRADDOCK STREET  
HARWICHPORT, MA

SCALE :  
1/4" = 1'-0"

DATE :  
12/27/2023

PROJ. NO.  
2023-497

DWG. NO. :

**EX2**

