Case #

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:

- (X) Appeal from decision of or refusal of permit application by the Building Inspector, Selectmen or Planning Board or other administrative officer or officers.
- (X) Application for a Variance from requirements of the Harwich Zoning By-Law.
- (X) 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

9 Hiawatha Road, Harwich Port, MA 02646. Said property is further described on Assessor's Map #6 and Parcel # G5-1-0 located in the RH-1 Zoning District as shown on the attached plan. Describe Petition/Appeal: See attached Relief requested - Cite specific Bylaw Section(s): HZB Section 325-54 "Nonconforming Structures and Uses", HZB Section 325-Attachment 2, Table 2, Area Regulations, HZB 325-Attachment 3, Table 3, Height and Bulk Regulations. Signature of Owner (or Agent) (Written authorization by the owner must accompany an Application) Clifford N. Willy and Rebecca L. Willy Phone No. <u>508-432-1643</u> Mailing Address: 961 Sweetrum Valley Place, Lake Mary, FL 32745 Agent Name: William D. Crowell, Esq. Phone No. <u>508-432-1643</u> Mailing Address: 466 Main Street, Harwich Port, MA 02646 Has a petition previously been submitted for this property (Y/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. 5/6/17

Please be advised that an incomplete Application may result in a delay in processing your Application and <u>may result in a denial by the Board</u> 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.

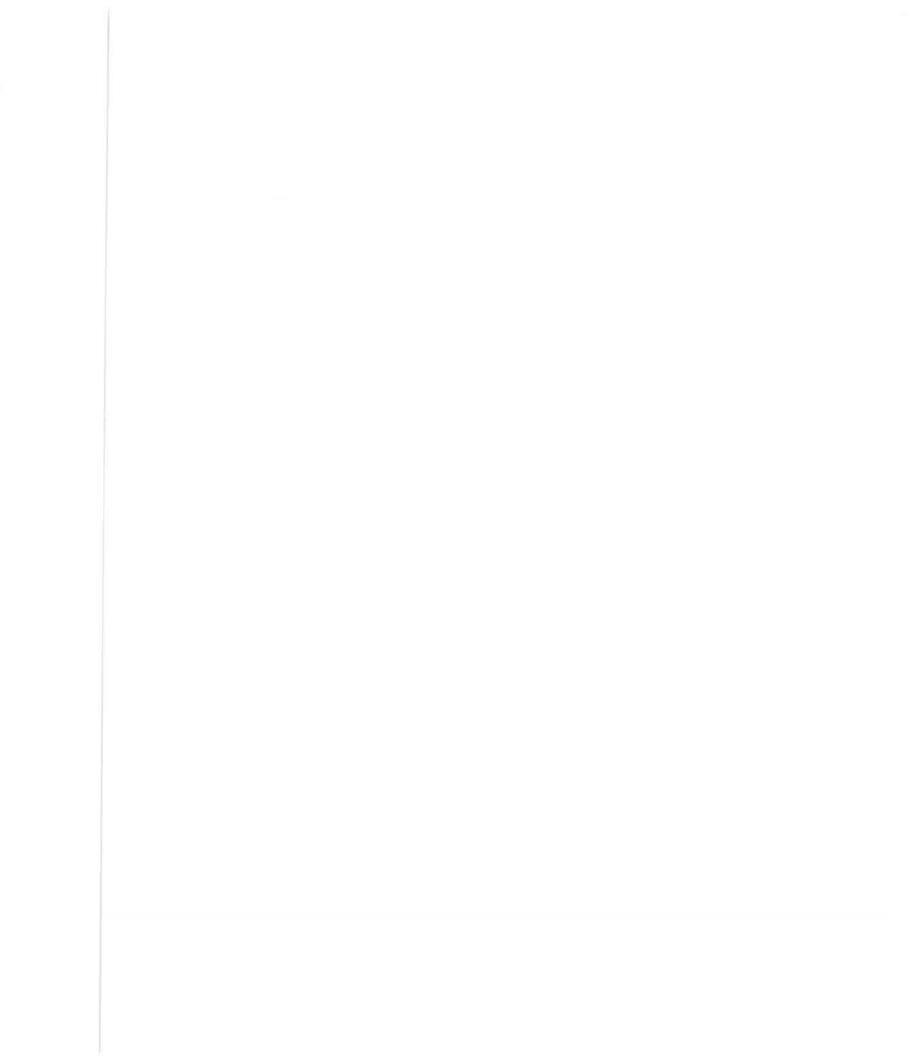
All information, including the applicable fee made payable to the Town of Harwich, must be submitted with the Application.

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):

- \underline{X} 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.
- \underline{X} 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.
- X 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.

2

- Building Plans drawn to scale:
 - Floor layout (for existing structure and proposed additions and/or alterations)
 - Proposed front, side, and rear elevations
- X Certified Abutters List
- X Check made payable to "Town of Harwich" for \$315.00.



Address of Property: 9 Hiawatha Road, Harwi	ch Port, MA 02646		
Zoning District: RH-1			
Is the property Located in any Special District(s) Massachusetts: Yes No X	/Overlay District(s) esta	blished by the Tow	n of Harwich or the State of
If Yes, specify District(s):			
Year Structure(s) Built: 1950			
Name/Address of Engineer/Architect: unknown	 :		
Name/Address of Attorney: William D. Crowell	Esq., 466 Main Street	Harwich Port, M	A 02646
	Required by Bylaw	Existing	Proposed
Lot Area	40,000	5,600	5,600
Frontage	150	70	70
Front Yard Setback	25	11.3	11.3
Side yard Setback	20	9.9	10.2
2 nd Side Yard Setback			
2 Bide Faid Semack	20	18.2	20.0
Rear Yard Setback	20	21.9	22.1
Building Coverage	30%	26.5%	27.8%
Site Coverage	35%	51.3%	49.7%
Building Height	<30		28.5
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			
ome of Dall-f Day 1 1 G	-		
orm of Relief Requested: Special Permit			
the Applicant is requesting a Variance state the l	houdohim militatusta a s		
the Applicant is requesting a Variance, state the lecordance with MGL Chapter 40 and the Harwich	Zoning Rylaw:	icant believes justif	ies this form of relief in
y signing and submitting this Application, you he	reby authorize the memb	ers of the Board of	Appeals, or its agent, to
neadt a site visit of the exterior of your property	for an inspection of the p	property involved in	this petition, should they
em it appropriate.		•	•
te Board of Appeals is entitled to rely on the information provided in this Appli	mation contained in this	A	
Application and the internation provided in this Application	cation, and all submitted	nlans and other do	efore, the undersigned
curate to the best of my knowledge and belief.		hamp and office do	buttlemation, is true and
V			
gent's Signature:	- dh	iku	
Sur o Dignature.	Date: //U		
wner's Signature:	Date:		

3

Name of Applicant: Clifford N. Willy and Rebecca L. Willy

wcrowell.office1@comcast.net

From:

kip willy <kip_willy@hotmail.com>

Sent: To:

Monday, January 22, 2024 6:41 PM wcrowell.office1@comcast.net

Cc:

Rebecca Willy

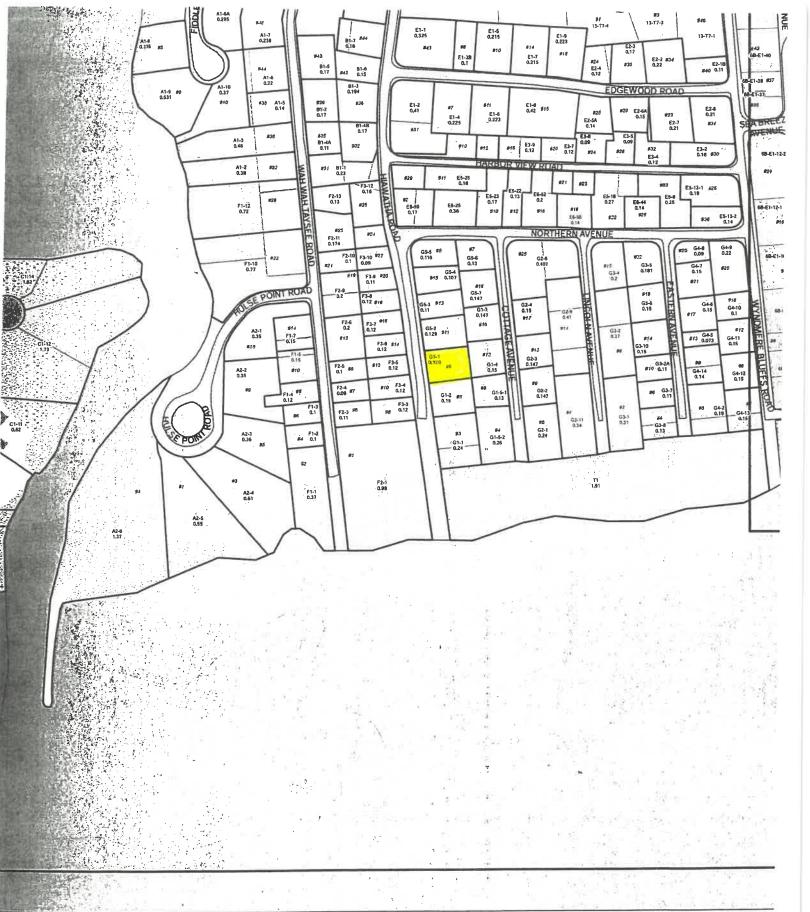
Subject: Authorization

We, Clifford N. Willy and Rebecca L. Willy, Owners of 9 Hiawatha Road, hereby authorize Attorney William D. Crowell to represent us before the Town of Harwich Zoning Board of Appeals regarding the same.

Thank you

Clifford N. Willy and Rebecca L. Willy 9 Hiawatha Rd Harwich Port, MA 02646 617-359-2773

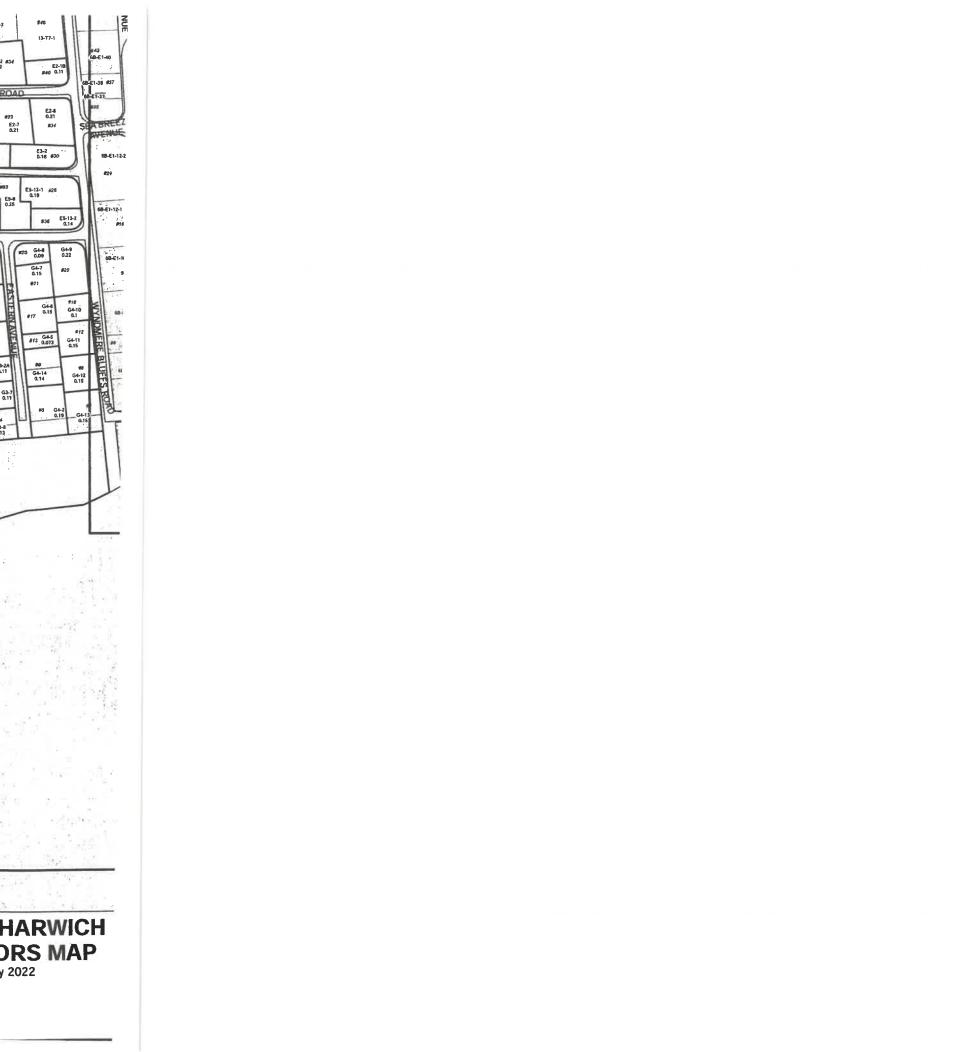




e not intended for use in conveyancing or for sign purposes. The Town of Harwich and its shall not be held liable for any reuse of this information.

TOWN OF HARWICH ASSESSORS MAP

January 2022



TOWN OF HARWICH

Building Department 732 Main Street Harwich, MA 02645



Telephone: (508) 430-7506

By First Class Mail

January 23, 2024

WILLY CLIFFORD N & WILLY REBECCA L 961 SWEETRUM VALLEY PLACE LAKE MARY, FL 32745

Re:

Zoning Relief Required

9 Hiawatha, Harwich port, MA (Parcel ID 6 G5-1)

Zoning District RH-1

Dear Clifford & Rebecca Willy,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by J.M. O'Reilly & Associates, Inc., dated December 1, 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

Harwich Zoning Bylaw §325 – Attachment 3, Table 3, Height and Bulk 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

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

Willy, Clifford N. & Rebecca L. - 9 Hiawatha Road, Harwich Port

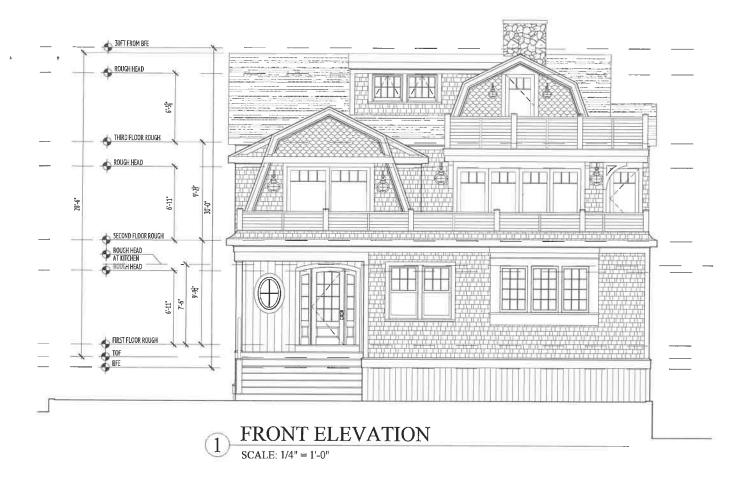
The Petitioners request a Special Permit to demolish and replace the pre-existing, non-conforming, single-family dwelling as per the Existing Conditions Site Plan dated July 26, 2023 and Proposed Site Plan dated December 1, 2023 both by J.M. O'Reilly and Associates, Inc., and the Building and Elevation Plans by McPhee Associates, Inc. dated January 5, 2024, Sheets A1-5 and EX1.

The existing northerly setback is non-conforming at 18.2 and will become conforming at 20.0. The southerly setback is non-conforming at 9.9 and will become slightly more conforming at 10.2. The westerly setback is non-conforming at 11.3 and will now include the proposed deck which will be approximately 6 feet from the lot line, but still a significant distance from the edge of the pavement of Hiawatha Road. The easterly setback is conforming at 21.9 and will remain so at 22.1 to the proposed deck.

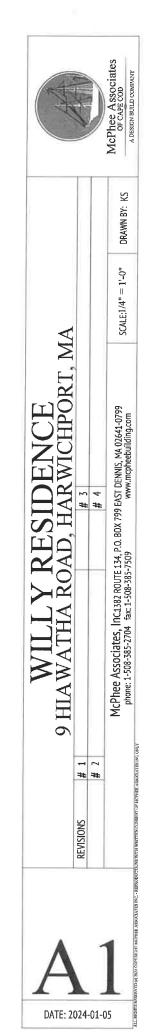
Building coverage is currently conforming at 26.5% (30% max.) and will remain conforming at 27.8%. The existing site coverage is non-conforming at 51.3% (35% max.) and will become somewhat more conforming at 49.7%.

Since the proposed dwelling will continue to have habitable space within the southerly 20 foot setback and will create new habitable space and a deck within the 25 foot setback on the west, such will constitute intensification of existing non-conformities. However, as per the findings of the Gale Case, this Board has the authority to grant a Special Permit for the same upon a finding that the new dwelling will not constitute a substantial detriment to the entire neighborhood.

In the alternative, the Petitioners request a Variance for the above demolition and replacement.



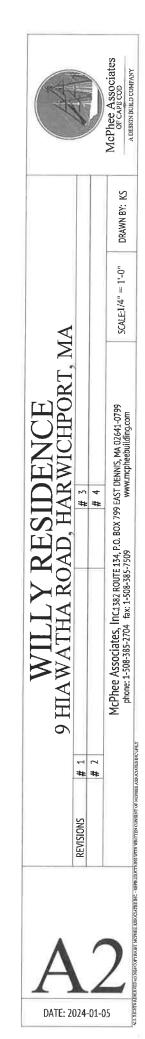


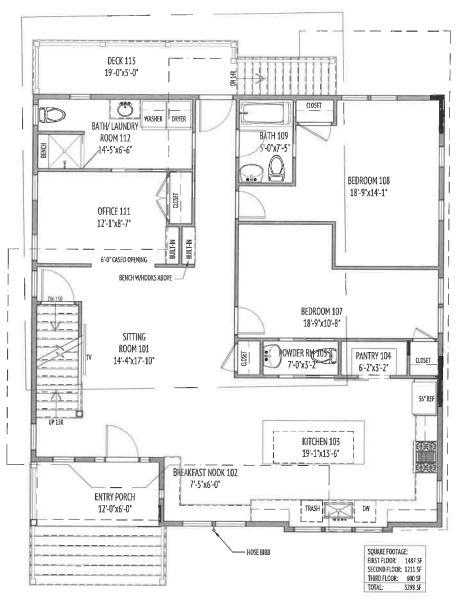




REAR ELEVATION SCALE: 1/4" = 1'-0"

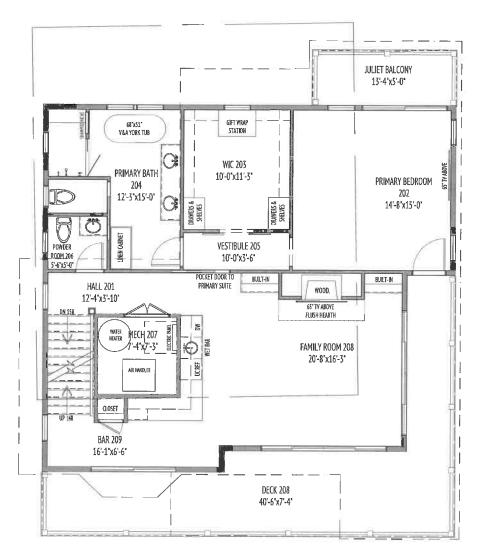




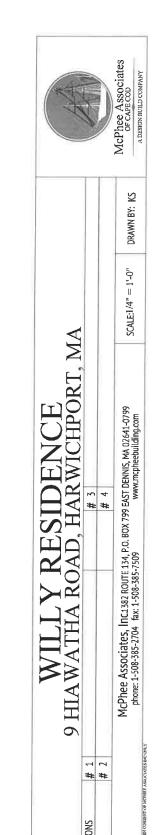


FIRST FLOOR PLAN

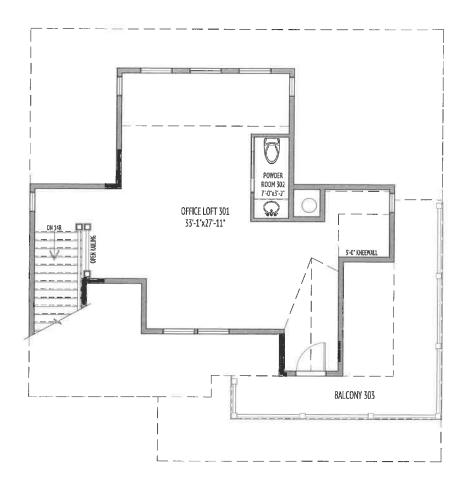
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"

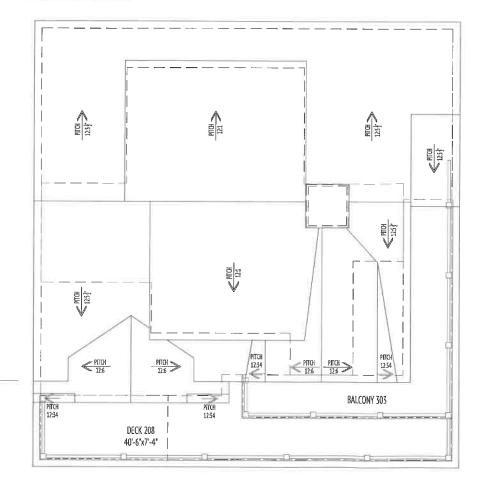


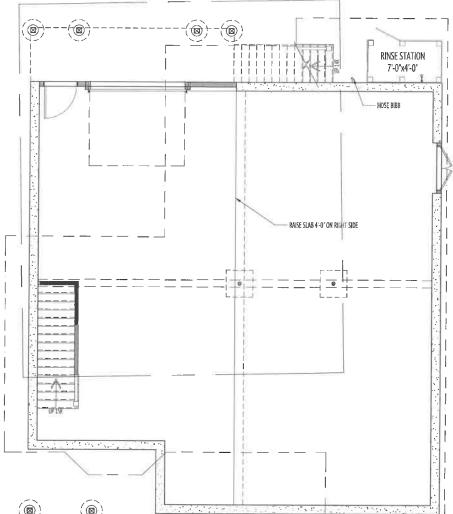




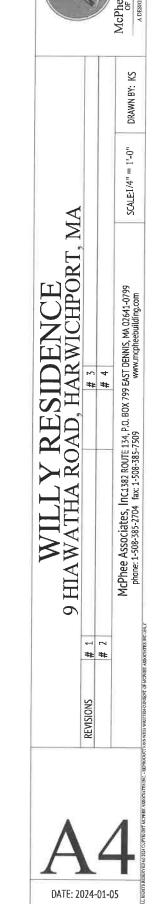
THIRD FLOOR PLAN SCALE: 1/4" = 1'-0"

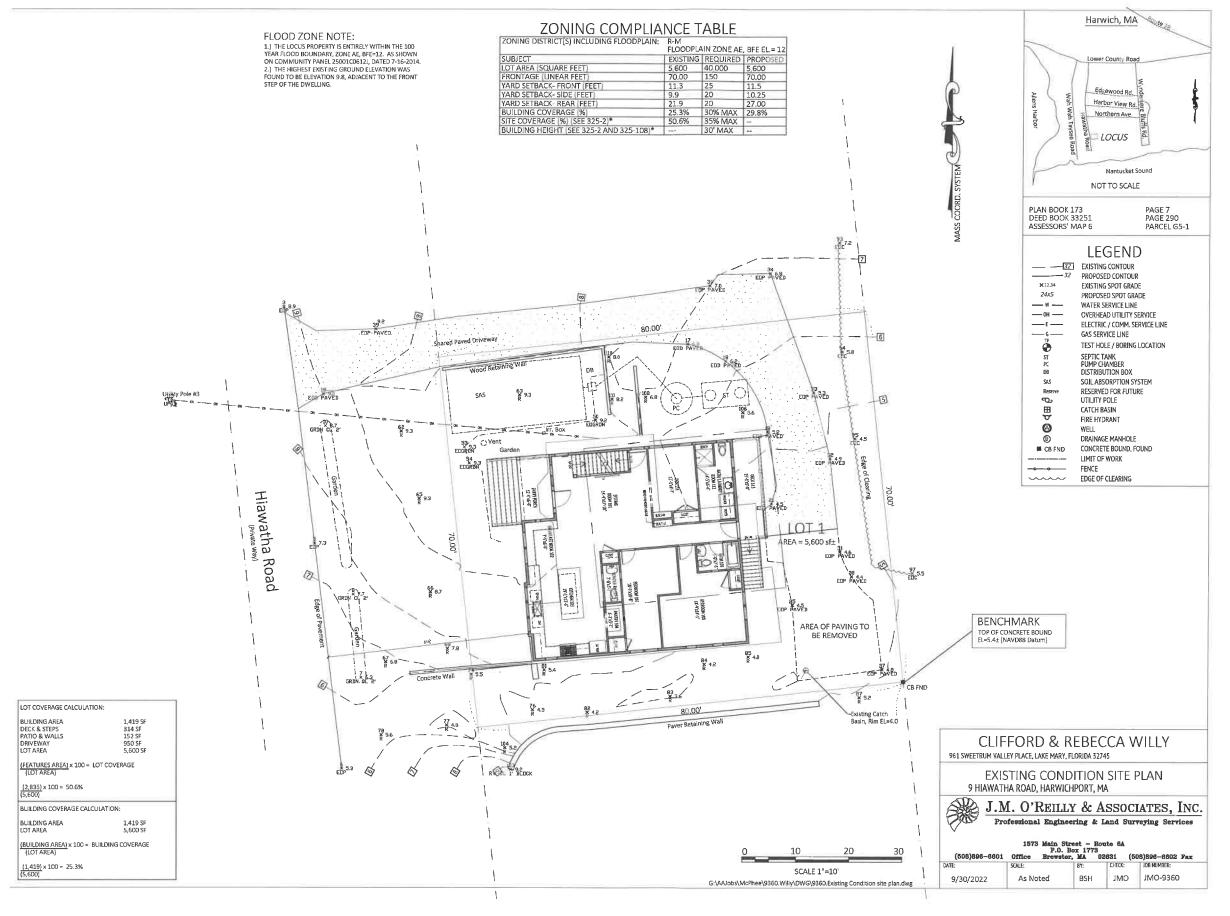
ROOF PLAN
SCALE: 1/4" = 1'-0"





3 BASEMENT PLAN
SCALE: 1/4" = 1'-0"



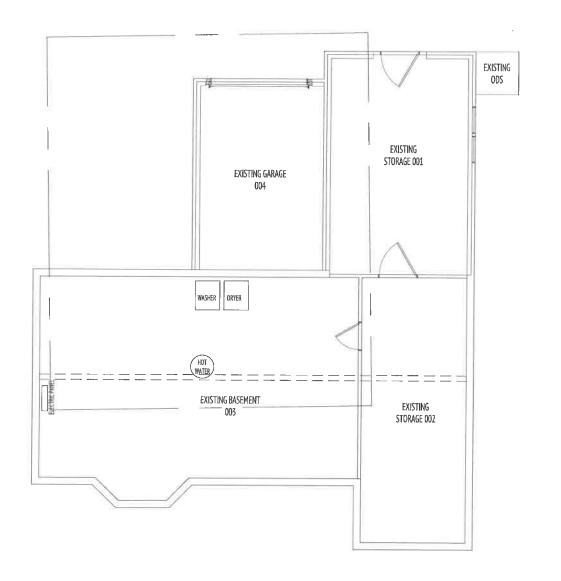




KS.

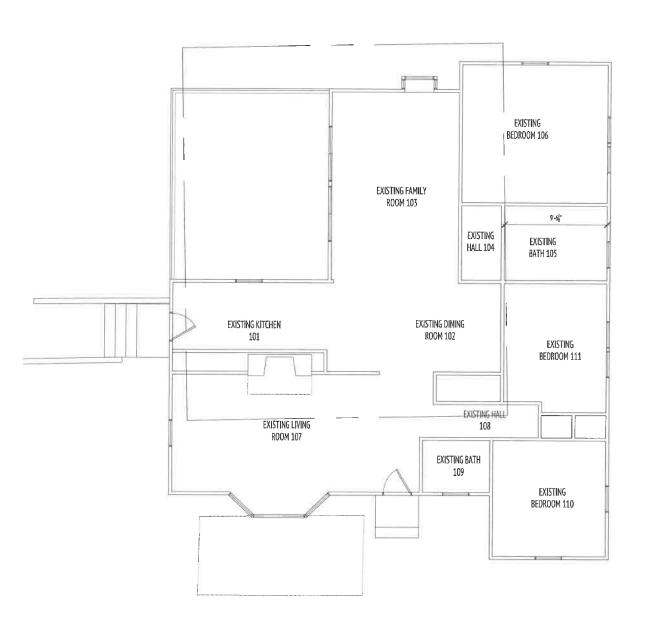
DRAWN BY: DENCE ARWICHPORT, MA AD, AD WIL 6 ##





EXISTING LOWER LEVEL PLAN SCALE: 1/4" = 1'-0"

▼ 30 F (§)



EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



SCALE:1/4" = 1'-0"Y RESIDENCE ROAD, HARWICHPORT, MA

DATE: 2024-01-05

