



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.

2024 APR 22 10:20 AM

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: 9 Skippers Drive Harwich Ma 02645

\_\_\_\_\_ Said property is further described on Assessor's Map # 33 and Parcel # B18 located in the R-R Zoning District as shown on the attached plan.

Describe Petition/  
Appeal: \_\_\_\_\_

Relief requested - Cite specific Bylaw Section(s): BP-24-409 325-54 - Nonconforming Structure use  
325 - Area regulation

Signature of Owner (or Agent) [Signature] Date 4/19/2024  
(Written authorization by the owner must accompany an Application signed by agent.)

Owner Name Catherine Milbier Phone No. 774-836-2490

Mailing Address: 9 Skippers Drive Harwich MA 02645 Owners Email: Kyle.Milbier@gmail.com

Agent Name: Daniel Guariglo Phone No. 508-237-9425

Mailing Address: 51 Round Cove Road Harwich MA 02645 Agent Email: Conedesignbuild@gmail.com

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: Non conforming Structures and Use

Denial From: \_\_\_\_\_ Date of Denial: 4/19/2024

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):**

- Full size Certified Plot 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: Daniel Guariglio

Address of Property: 9 Skippers Drive Harwich MA 02645

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 x

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

Year Structure(s) Built: 1971

Name/Address of Engineer/Architect: Betsy Laughton

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

Subject	Existing	Required	Proposed
Lot Area (square feet)	10,183		
Frontage (linear feet)	93'		
Front Yard Setback (feet)	31.4	25	Unchanged
Side yard Setback (feet)	13.4'/36.5'	20	13.4'/20'
Rear Yard Setback (feet)	40.3'	20	46'
Any Yard Setback - Specify which:			
Building Coverage (%)	(1213sf) 12%	(1517sf) 15%	(1512sf) 15%
Site Coverage (%) (see 325-2)	(2028sf) 20.1%	(2529sf) 25%	(2245sf) 22.2%
Building Height (see 325-2 & 325-108)*		30	23.2'
<b>If this is an Application for an Accessory Apartment, in addition to the above:</b>			
A. Net Floor Area of the Principal Dwelling	<u>x</u>	<u>✓</u>	<u>✓</u>
B. Net Floor Area of the proposed Accessory Apartment	<u>✓</u>	<u>✓</u>	<u>✓</u>


\* 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: Pre existing Nonconforming setbacks

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:  
Pre existing non conformity

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: 4/19/2024  
Owner's Signature: \_\_\_\_\_ Date: 4/19/2024

# COVE DESIGN BUILD

April 19, 2024

Daniel Guariglio

Cove Design Build

51 Round Cove Road

Harwich MA, 02645

Dear Abutters,

I am writing you today in regards to an upcoming project that will be starting this summer at 9 Skippers Drive. We will be tearing down the existing house and build a new home keeping the existing foundation. There will be an addition to the North (driveway side) of the house as well as a small bump out addition off the East (back) side of the house. The existing house footprint on the South and West sides will not change. The reason for this letter is the South gable wall of the home. The South wall is pre existing non conforming. The new South wall will be in the same location as the old.

Thank you,

Dan

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



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

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**By First Class Mail**

April 19, 2024

MILBIER CATHERINE M OLEARY  
9 SKIPPERS DR  
HARWICH, MA 02645

Re: Zoning Relief Required BP-24-409  
9 Skippers Dr, Harwich, MA (Parcel ID 33 B18)  
Zoning District RR, Drinking Water Resource Protection District

Dear property owner,

Please be advised that as a condition to issuance of the above-referenced building permit as submitted, shown on a plan prepared by Moran Engineering Assoc., LLC., dated December 8, 2023, and revised April 19, 2024 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,

A handwritten signature in cursive script that reads "Jack Mee".

---

Jack Mee  
Harwich Building Commissioner

# TOWN OF HARWICH

## Building Department

732 Main Street  
Harwich, MA 02645



Telephone: (508) 430-7506

Fax: (508) 430-4703

### Owner Authorization

I, Catherine Milbier as owner of the property located at  
9 Skippers Drive Harwich MA, 02645

(Property address)

authorize Daniel Guariglio to act on my behalf

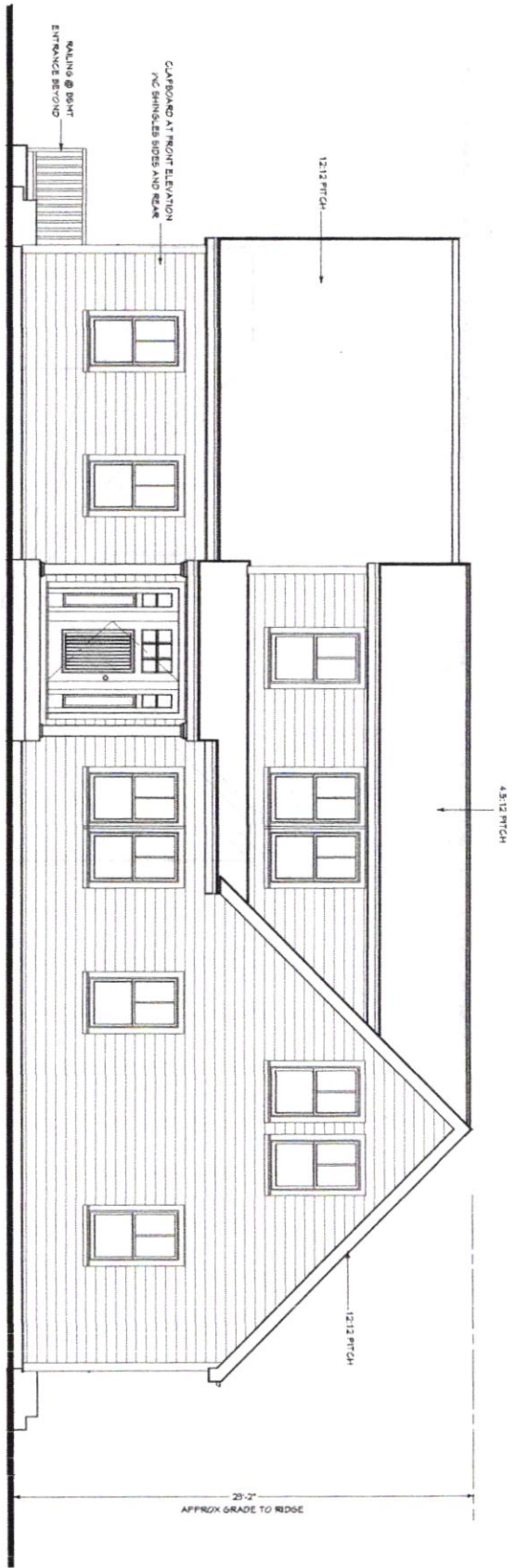
(Name of contractor/agent)

in all matters relative to work authorized by this building permit application.

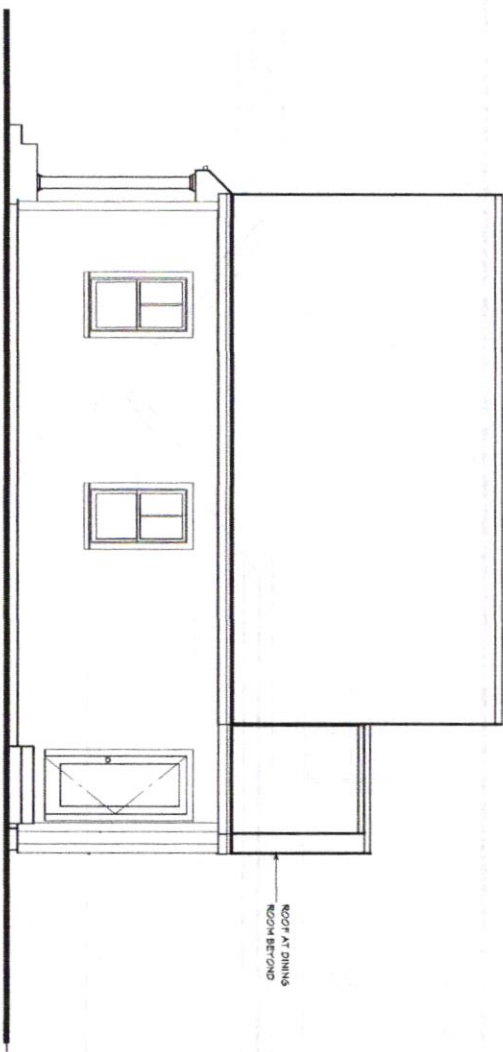
Owner's Signature: \_\_\_\_\_

Date: 4/18/2024





FRONT ELEVATION scale: 1/4"=1'-0"



RIGHT SIDE ELEVATION scale: 1/4"=1'-0"

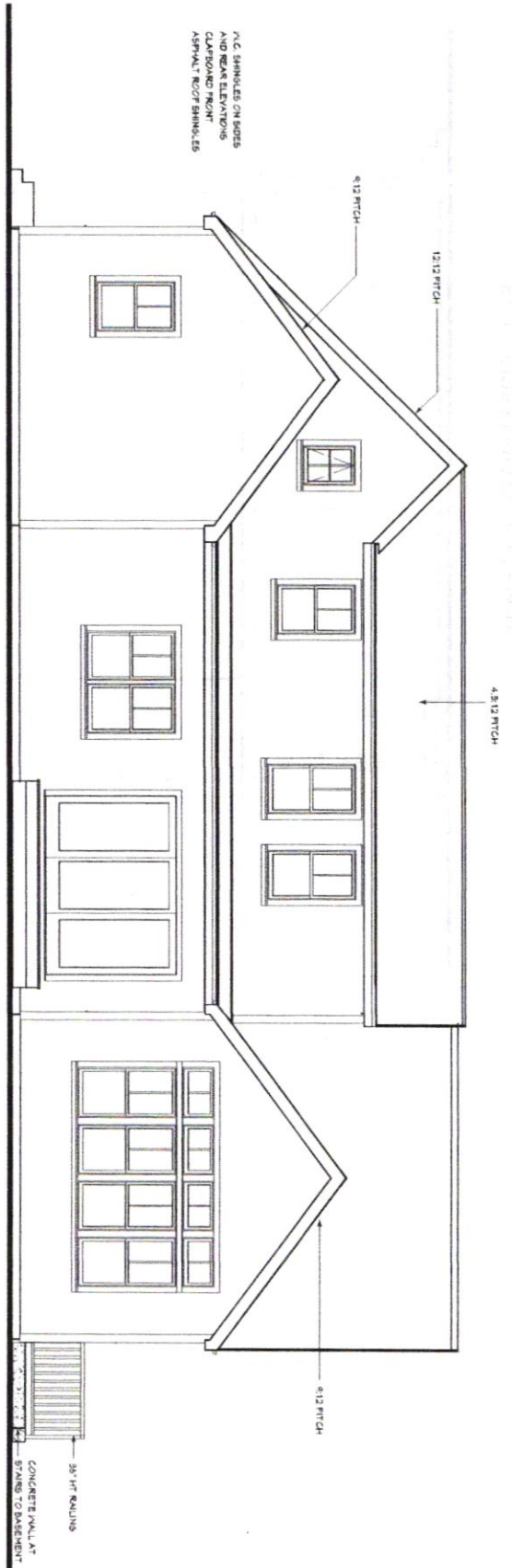
**BETSY LAUGHTON**  
CUSTOM HOME DESIGN  
508-272-5674

CONSTRUCTION TO CONFORM TO THE  
WFCM 110 MPH EXPOSURE B MANUAL  
BUILDER TO CONFIRM ALL CONDITIONS  
AND DIMENSIONS ON SITE

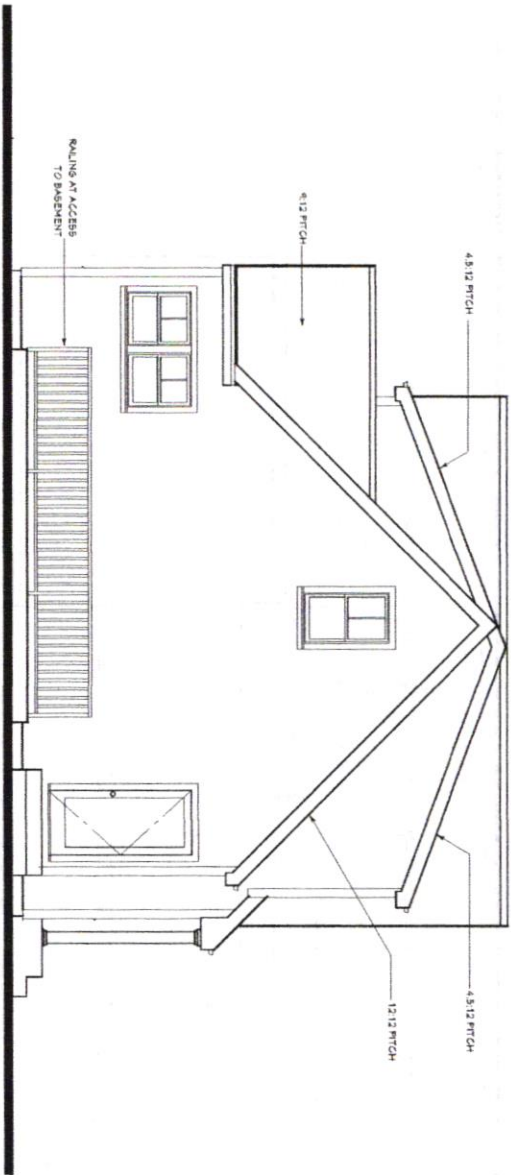
NEW DWELLING  
ON EXISTING FOOTPRINT  
WITH ADDITIONS

**KYLE and CATHERINE MILBIER**  
9 SKIPPER'S DRIVE  
HARWICH MASSACHUSETTS

Date: 5-20-23  
Revisions: 6-12-23  
6-28-23  
9-5-23  
10-6-23  
10-14-23  
11-22-23



REAR ELEVATION scale 1/8"=1'-0"



LEFT SIDE ELEVATION scale 1/8"=1'-0"

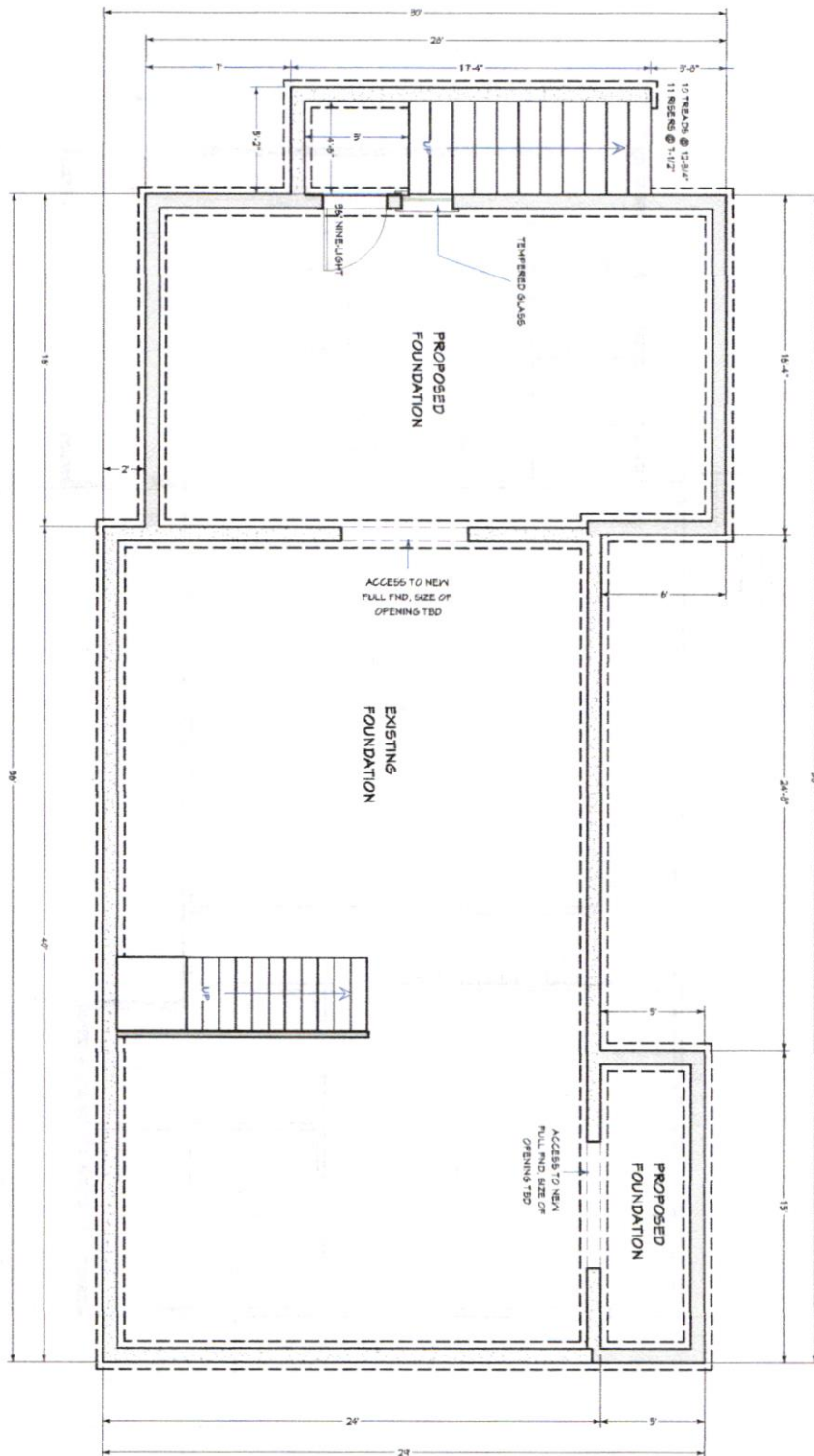
DATE	5-20-23
REVISIONS	6-12-23
	6-28-23
	9-5-23
	10-6-23
	10-19-23
	11-20-23

**KYLE and CATHERINE MILBIER**  
 9 SKIPPER'S DRIVE  
 HARNICH MASSACHUSETTS

NEW DWELLING  
 ON EXISTING FOOTPRINT  
 WITH ADDITIONS

CONSTRUCTION TO CONFORM TO THE  
 IBC 2021 CODES  
 BUILDER TO CONFIRM ALL CONDITIONS  
 AND DIMENSIONS ON SITE

**BETSY LAUGHTON**  
 CUSTOM HOME DESIGN  
 508-272-5674



**Proposed FOUNDATION PLAN**

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

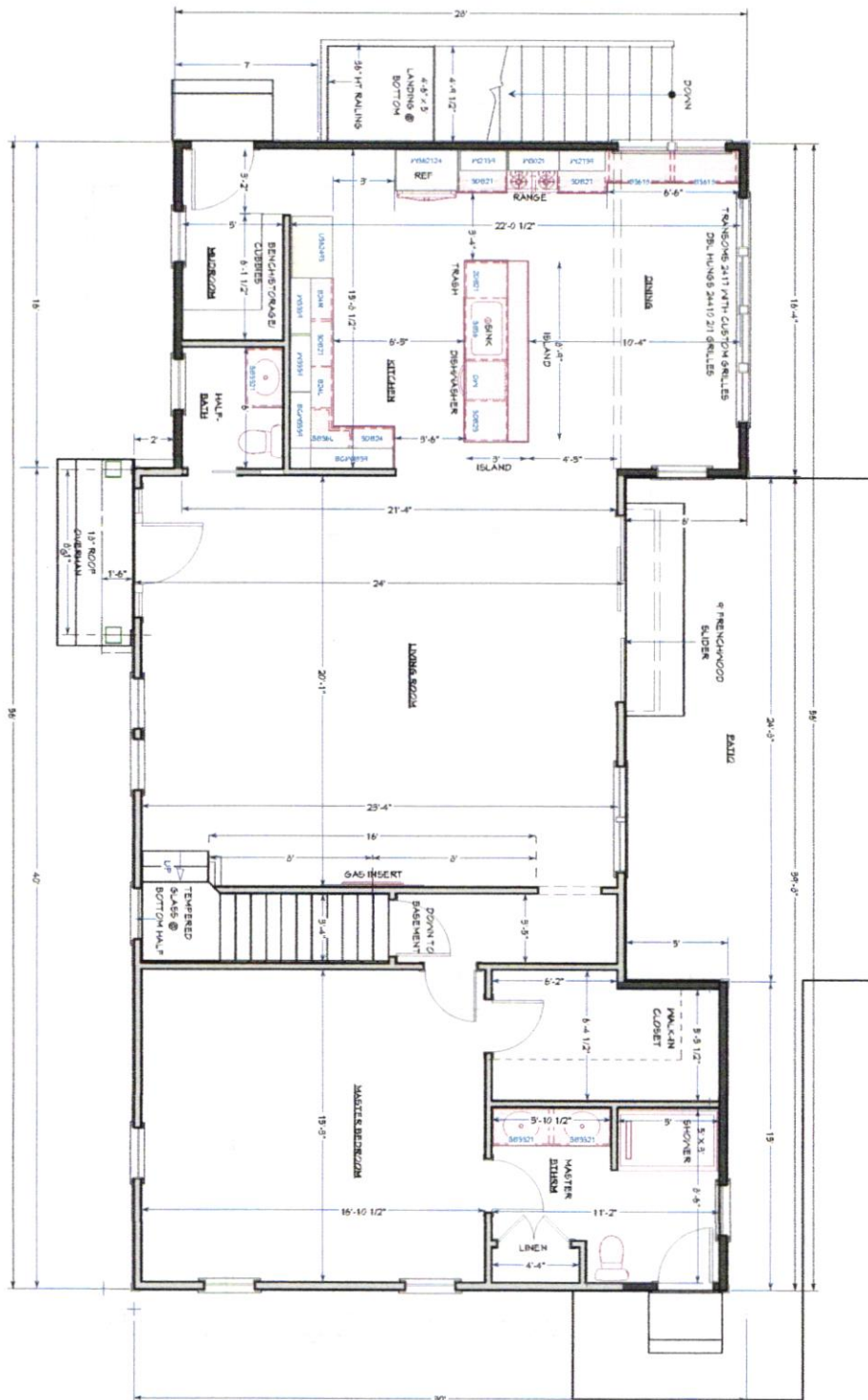
DATE:	5-20-23
REVISIONS:	6-13-23
	6-28-23
	9-5-23
	10-6-23
	10-19-23
	11-22-23

**KYLE and CATHERINE MILBIER**  
 9 SKIPPER'S DRIVE  
 HARNICH MASSACHUSETTS

NEW DWELLING  
 ON EXISTING FOOTPRINT  
 WITH ADDITIONS

CONSTRUCTION TO CONFORM TO THE  
 IRC/M 110 MPH EXPOSURE B MANUAL  
 BUILDER TO CONFIRM ALL CONDITIONS  
 AND DIMENSIONS ON SITE

**BETSY LAUGHTON**  
 CUSTOM HOME DESIGN  
 508-212-5674



4.

Date:  
 5-20-23  
 Revisions:  
 6-12-23  
 6-28-23  
 9-5-23  
 10-6-23  
 10-14-23  
 11-22-23

**KYLE and CATHERINE MILBIER**  
 9 SKIPPER'S DRIVE  
 HARNICH MASSACHUSETTS

NEW DWELLING  
 ON EXISTING FOOTPRINT  
 WITH ADDITIONS

CONSTRUCTION TO CONFORM TO THE  
 WFCM 110 MPH EXPOSURE B MANUAL  
 BUILDER TO CONFIRM ALL CONDITIONS  
 AND DIMENSIONS ON SITE

**BETSY LAUGHTON**  
 CUSTOM HOME DESIGN  
 508-272-5674

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

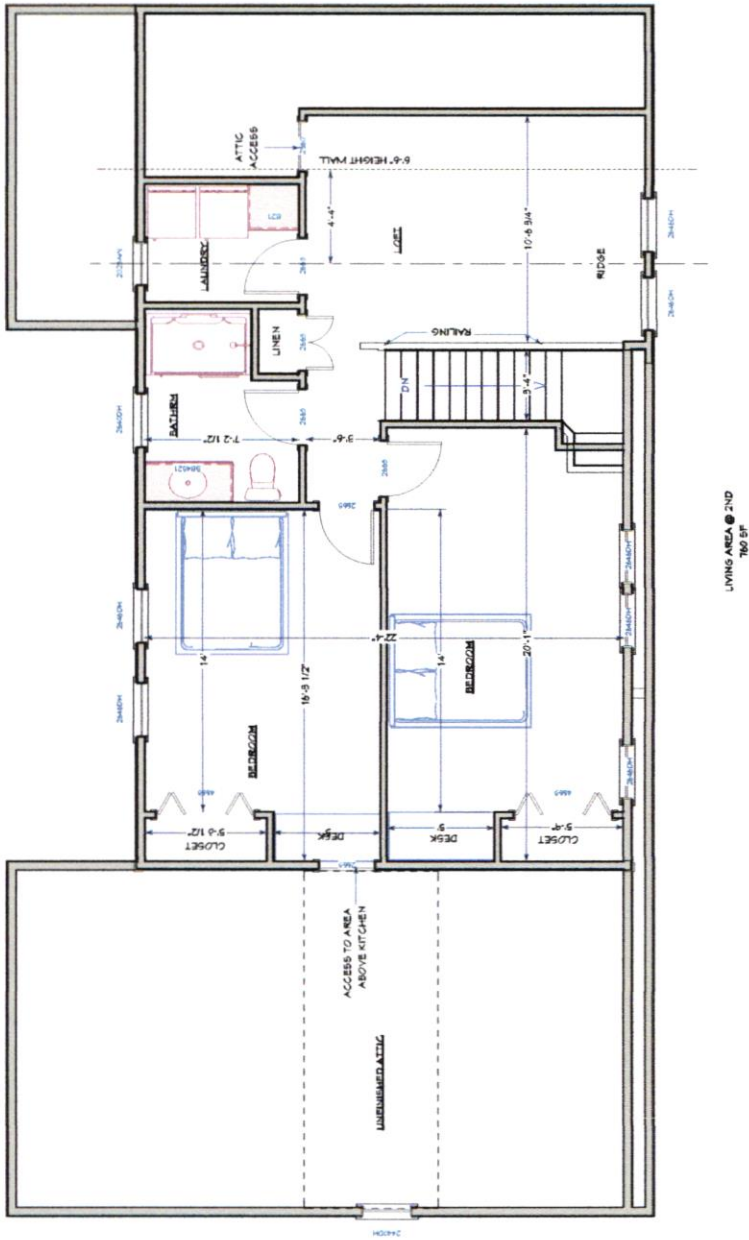
Date: 5-20-25  
Revisions:  
6-12-25  
6-26-25

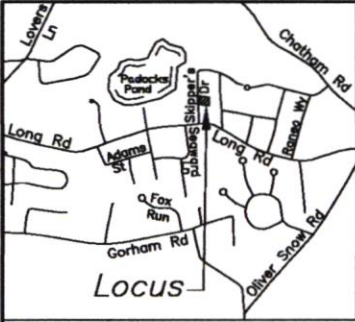
KYLE and CATHERINE MILBIE  
9 SKIPPERS DRIVE  
HARWICH MASSACHUSETTS

NEW DWELLING  
ON EXISTING FOOTPRINT  
WITH ADDITIONS

CONSTRUCTION TO CONFORM TO THE  
MFGH 110 MPH EXPOSURE B MANUAL  
AND DIMENSIONS ON SITE  
BUILDER TO CONFIRM ALL CONDITIONS

BETSY LAUGHTON  
CUSTOM HOME DESIGN  
506-272-5674





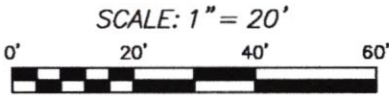
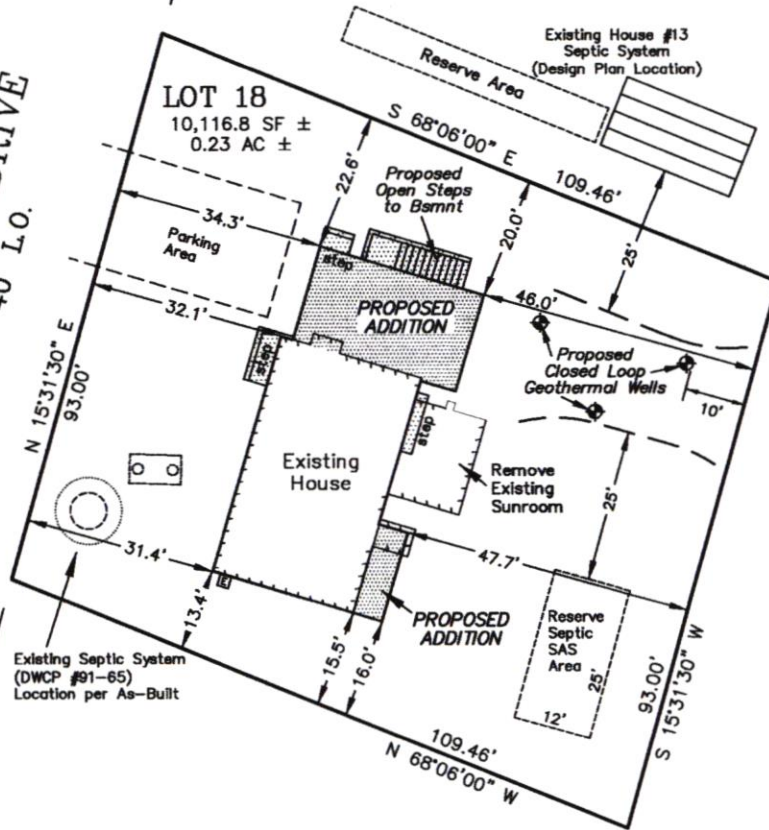
**LOCATION MAP**

Assessors Map: 33  
 Parcel: B18  
 Deed Bk.28408, Pg.20  
 Plan Bk.157, Pg.105, Lot 18

**Zoning Compliance**

Zone: R-R	Zoning Art.: VI	Existing	Proposed
Min Front Setback	25'	31.4'	unchanged
Min Side Setback	20'	13.4'/36.5'	13.4'/20.0'
Min Rear Setback	20'	40.3'	46.0'
Building Coverage	(1517sf) 15%max	(1213sf) 12.0%	(1512sf) 15.0%
Site Coverage	(2529sf) 25%max	(2028sf) 20.1%	(2245sf) 22.2%
Building Height (above average pre-existing grade)	30' max	14.6'	25.5'

SKIPPER'S DRIVE  
 40' L.O.



**MORAN ENGINEERING ASSOC.,LLC**  
 508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA  
**PROPOSED CONDITIONS PLOT PLAN**  
 Prepared For: Kyle Milbier  
 9 SKIPPER'S DRIVE HARWICH, MA  
 PROJECT: 18-035 SCALE: 1" = 20' DATE: 12/8/23  
 Rev: 4/19/24 (add bldg ht)