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**MINUTES
TOWN OF HARWICH
ZONING BOARD OF APPEALS
6:30PM WEDNESDAY, JULY 30, 2025
TOWN HALL - GRIFFIN ROOM**

MEMBERS PARTICIPATING: Brian Sullivan, Chair, Chris Murphy, John August, Ken Dickson and Marilyn Raatz

MEMBERS NOT PARTICIPATING: Alexander Donoghue and David Nunnally

I. CALL TO ORDER; RECORDING NOTICE

Mr. Sullivan called the meeting of the Zoning Board of Appeals to order Wednesday, July 30, 2025 at 6:30PM and read the Open Meeting Law Notice.

II. PUBLIC HEARINGS

Case No. 2025-27, Caren Hazart-Rosghan % Niall Hopkins 311 Paddocks Path, Dennis, MA 02638, owner of the property located at 20 Connecticut Ave., Assessor's Map 117, Parcel X1-103, in the RR Zoning District. The Applicant seeks a Variance from s325-52 "Variance", s325-54 A (1)(a) "non-conforming structures and Uses", and s325-Attachment 2, Table 2, Area Regulations, to construct an attached garage on a single-family dwelling, pursuant to the Harwich Zoning By-laws s325-52 and MGL Chapter 40A Section 10. (Continued from 06.30.2025 Hearing)

Mr. Murphy read Case No. 2025-27 and noted that the case will be continued.

Mr Sullivan noted that a motion and vote are not necessary at this time.

Case No. 2025-31, 18 Bank, LLC % Peter F. McAree, P.O. Box 1189, South Dennis, MA 02660 owner of the property located at 18 Bank St., Assessor's Map 7, Parcel F16, in the RH-1 Zoning District. The Applicant seeks a Special Permit from s325-54 (A) (1)(b)[1] & s325 A(2)(b) "non-conforming structures and uses" and s325-Attachment 2, Table 2, Area Regulations, to construct an addition and enclose a screened-in porch on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-54 and MGL Chapter 40A Section 6.

Mr. Murphy read Case No. 2025-31 as presented. He noted that Town's Water and Highway Departments as well as the Planning Director indicated that they had no concerns. The Historic Commission commented that 18 Bank Street was built in 1920 and as it is over 100 years old it will require HDHC approval. The Health Department commented that the project was reviewed on July 15, 2025 and there are no issues with the project as proposed. No other comments from other departments or abutters had been received.

July 30, 2025

Peter McAree, Applicant was present and described the proposed project in detail. He noted that the cottage dwelling was built in 1949, not 1920 and is shown as such in the Town records.

Mr. Sullivan suggested that Mr. McAree clarify that information with the HDHC, noting that it doesn't affect the Zoning decision.

Mr. McAree noted that the Health Department had approved the proposed project 4:0 in favor.

Mr. Sullivan confirmed that all hearing documents had been included as well as the Findings of Fact. He also reviewed recommended conditions.

Mr. August suggested that the cottage be specified as an accessory dwelling for clarification.

Mr. Sullivan moved to accept the documents, Findings of Fact and the conditions of approval as stipulated. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. August moved to close the public hearing. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted those voting: Brian Sullivan, Chris Murphy, John August, Ken Dickson and Marilyn Raatz.

Mr. August moved to close the discussion. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

Mr. Murphy moved, on Case No. 2025-31, 18 Bank St., Assessor's Map 7, Parcel F16, in the RH-1 Zoning District. The Applicant is granted a Special Permit from s325-54 (A) (1)(b)[1] & s325 A(2)(b) "non-conforming structures and uses" and s325-Attachment 2, Table 2, Area Regulations, to construct an addition and enclose a screened-in porch on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-54 and MGL Chapter 40A Section 6. The granting is consistent with Gale and related cases as there will be an intensification of one or more existing non-conformities, no new non-conformities and no substantial detriment to the entire neighborhood on a pre-existing non-conforming lot and as the proposed structure will not create any additional negative impact with respect to the traffic, noise, odor and congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plan submitted with this application. Said grant and approval are subject to the following conditions: During the life of the project, there shall be not demolition, exterior construction or new landscaping between June 30th and Labor Day of any year. A violation of the terms and conditions of the Special Permit may be enforced as a violation of the Harwich Zoning By-law pursuant to MGL Chapter 40A section 7 in the Harwich Zoning By-law as these may be amended from time to time. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-32, Sean and Linda Dolan, % Kevin M. Boyar, P.O. Box 21, West Barnstable, MA 02668, owners of the property located at 6 Port Pines Rd., Assessors' Map 7, Parcel 2-0 in the RH-1 Zoning District. The Applicant seeks a Special Permit from s325-54 A (4) & (5) "non-conforming structures and uses", s325 - Attachment 2, Table 2, Area Regulations, and s325-Attachment 3, Table 3, Height and Bulk Regulations, to construct an addition on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-54 and MGL Chapter 40A Section 6.

Mr. Murphy read Case No. 2025-32 as presented.

Mr. Sullivan noted that the applicant had requested a continuance.

Mr. Sullivan moved to accept a continuance until the August 27th meeting. Seconded by Dickson.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-33, Steven and Lauren McCabe, % William Crowell, Esq. & Michael Donovan Esq., 466 Main Street, P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 11 Nons Rd., Assessors' Map 6, Parcel C1-10, in the RL Zoning District. The Applicant seeks a Special Permit or in the alternative a Variance from s325-54(A)(1) & (2) "Non-conforming structures and Uses", and s325 - Attachment 2, Table 2, Area Regulations, and s325 - Attachment 3, Table 3, Height and Bulk Regulations to construct two additions on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6 & 10.

Mr. Murphy read Case No. 2025-33 as presented. He noted that the HDHC commented that the house is over 100 yrs old and will require approval from the HDHC. The Conservation Department commented that 11 Nons Road will need to file with Conservation and likely an RDA and NOA. The Harwich Water, Highway, Health and Police Departments and the Planning Director indicated that they had no concerns. No other comments from town departments or abutters were received.

Attorney Michael Donovan was present with Mike Tardamella, Architect. Atty. Donovan described the proposed project in detail.

Board members asked questions which Mr. Tardamella answered.

Mr. Sullivan confirmed that all hearing documents had been included as well as the Findings of Fact. He also reviewed recommended conditions.

Mr. Sullivan moved to accept the documents, Findings of Fact and the conditions of approval as stipulated. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

Mr. Murphy moved to close the public hearing. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted those voting: Brian Sullivan, Chris Murphy, John August, Ken Dickson and Marilyn Raatz.

Mr. August moved to close the discussion. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

Mr. Murphy moved, on Case No. 2025-33 William Crowell, Esq. & Michael Donovan Esq., 466 Main Street, P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 11 Nons Rd., Assessors' Map 6, Parcel C1-10, in the RL Zoning District. The Applicant has been granted a Special Permit from s325-54(A)(1) & (2) "Non-conforming structures and Uses", and s325 - Attachment 2, Table 2, Area Regulations, and s325 - Attachment 3, Table 3, Height and Bulk Regulations to construct two additions on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6. The granting is consistent with Gale and related cases as there will be an intensification of one or more existing non-conformities, no new non-conformities and no substantial detriment to the entire neighborhood on a pre-existing non-conforming lot and as the proposed structure will not create any additional negative impact with respect to the traffic, noise, odor and congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plan submitted with this application. Said grant and approval are subject to the following conditions: During the life of the project, there shall be not demolition, exterior construction or new landscaping between June 30th and Labor Day of any year. For the life of the approved project all construction vehicles will be parked on the applicant's property and not on any public street or road. A violation of the terms and conditions of the Special Permit may be enforced as a violation of the Harwich Zoning By-law pursuant to MGL Chapter 40A section 7 in the Harwich Zoning By-law as these may be amended from time to time. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-34, Mark and Julie Hogan, % William Crowell, Esq. & Michael Donovan, Esq., 466 Main Street, P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 25 Wah Wah Taysee Rd., Assessors' Map 6, Parcel F2-11, in the RH-1 Zoning District. The Applicant seeks a Special Permit or in the alternative a Variance from s325-54(A)(1) & (2) "non-conforming structures and Uses", and s325 - Attachment 2, Table 2, Area Regulations, to construct two shed dormers and an addition on a pre-existing single-family dwelling, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6 & 10.

Mr. Murphy read Case No. 2025-34 as presented. He noted that the Harwich Water, Highway, Health, Police and Planning have submitted comments indicating they have no concerns. No other comments from departments or abutters were received.

Atty. Michael Donovan was present and noted that Rob McPhee, contractor was in the audience. Atty. Donovan described the proposed plan in detail.

Mr. Sullivan confirmed that all hearing documents had been included as well as the Findings of Fact. He also reviewed recommended conditions.

Mr. Sullivan moved to accept the documents, Findings of Fact and the conditions of approval as stipulated. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. August moved to close the public hearing. Seconded by Ms. Raatz

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted those voting: Brian Sullivan, Chris Murphy, John August, Ken Dickson and Marilyn Raatz.

Mr. Murphy moved to close the discussion. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. Murphy moved, on Case No. 2025-34 Mark and Julie Hogan, % William Crowell, Esq. & Michael Donovan, Esq., 466 Main Street, P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 25 Wah Wah Taysee Rd., Assessors' Map 6, Parcel F2-11, in the RH-1 Zoning District. The Applicant has been granted a Special Permit from s325-54(A)(1) & (2) ("non-conforming structures and Uses", and s325 - Attachment 2, Table 2, Area Regulations, to construct two shed dormers and an addition on a pre-existing non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6. The granting is consistent with Gale and related cases as there will be an intensification of one or more existing non-conformities, no new non-conformities and no substantial detriment to the entire neighborhood on a pre-existing non-conforming lot and as the proposed structure will not create any additional negative impact with respect to the traffic, noise, odor and congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plan submitted with this application. Said grant and approval are subject to the following conditions: During the life of the project, there shall be no demolition, exterior construction or new landscaping between June 30th and Labor Day of any year. A violation of the terms and conditions of the Special Permit may be enforced as a violation of the Harwich Zoning By-law pursuant to MGL Chapter 40A section 7 in the Harwich Zoning By-law as these may be amended from time to time. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-35, Robert M. Cohn & Marcia J. Caisson, % William Crowell, Esq. & Michael Donovan, Esq. 466 Main Street, P.O. Box 185, Harwich Port, MA 02646, owner of the property at 29 Pleasant St., Assessors' Map 14, Parcel F1-0, in the RM Zoning District. The Applicant seeks a Special Permit or in the alternative a Variance from s325-54(A)(1) "non-conforming structures and Uses", and s325 - Attachment 2, Table 2, Area Regulations, to construct an addition on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6 & 10.

Mr. Murphy read Case No. 2025-35 as presented. The Harwich Historic Commission commented that the Assessing database shows that the structure was built in 1930 and the Macris database shows it built in 1910. If built in 1910, the project will need HDHC approval. Harwich Water, Highway, Health and Police Departments and the Planning Board submitted comments that they had no concerns. No other comments from any other town departments were received. Three abutters, Peter Small, Ellen Carr and Kristen Ferrioli have sent letters of approval of this project.

Atty. Donovan was present and noted that the applicants were in the audience and Jim Haggerty of Reef Builders was participating remotely. Atty. Donovan described the proposed project in detail.

Board members asked questions which Atty. Donovan answered.

Mr. Sullivan confirmed that all hearing documents had been included as well as the Findings of Fact. He also reviewed recommended conditions.

Atty. Donovan noted typos which Mr. Sullivan corrected.

Mr. Murphy moved to accept the documents, Findings of Fact and the conditions of approval as stipulated. Seconded by Mr. Dickson

Vote: 5:0 in favor. Motion carried.

Mr. Murphy moved to close the public hearing. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted those voting: Brian Sullivan, Chris Murphy, John August, Ken Dickson and Marilyn Raatz.

Mr. Murphy moved to close the discussion. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. Murphy moved, on Case No. 2025-35, Robert M. Cohn & Marcia J. Caisson, % William Crowell, Esq. & Michael Donovan, Esq. 466 Main Street, P.O. Box 185, Harwich Port, MA

02646, owner of the property at 29 Pleasant St., Assessors' Map 14, Parcel F1-0, in the RM Zoning District. The Applicant has been granted a Special Permit from s325-54(A)(1) "non-conforming structures and Uses", and s325 - Attachment 2, Table 2, Area Regulations, to construct an addition on a pre-existing, non-conforming single-family dwelling, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6. The granting is consistent with Gale and related cases as there will be an intensification of one or more existing non-conformities, no new non-conformities and no substantial detriment to the entire neighborhood on a pre-existing non-conforming lot and as the proposed structure will not create any additional negative impact with respect to the traffic, noise, odor and congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plan submitted with this application. Said grant and approval are subject to the following conditions: During the life of the project, there shall be no demolition, exterior construction or new landscaping between June 30th and Labor Day of any year. A violation of the terms and conditions of the Special Permit may be enforced as a violation of the Harwich Zoning By-law pursuant to MGL Chapter 40A section 7 in the Harwich Zoning By-law as these may be amended from time to time. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Case No. 2025-36, Michael Ransack, Trustees of Herbert Ransack 2012 Irrevocable Trust, % William Crowell, Esq., & Michael Donovan, Esq., 466 Main Street, P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 8 Cranberry Way, Assessors' Map 16, Parcel W4-9, in the RM Zoning District. The Applicant seeks a Special Permit or in the alternative a Variance from s325-54(A) "non-conforming structures and Uses", s325-14(T) - Single Family Dwelling with Accessory Apartment, and s325 - Attachment 3, Table 3, Height and Bulk Regulations to construct a 2-car garage with a second story ADU, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6 & 10.

Mr. Murphy read Case No, 2025-36 as presented. The Harwich Conservation Department submitted comments that the project is in the process of being approved. The Harwich Health Department commented that the proposed project is requesting Title 5 variances from an increase in habitable space which will require review and approval from the Board of Health. Harwich Water, Highway, Police and Planning submitted comments indicating they had no concerns. No other comments from other town departments or abutters have been received.

Atty. Michael Donovan was present and noted that the applicants were in the audience. He described the proposed project in detail.

Board members asked questions which Atty. Donovan answered.

Mr. Sullivan confirmed that all hearing documents had been included as well as the Findings of Fact. He also reviewed recommended conditions.

Mr. Sullivan moved to accept the documents, Findings of Fact and the conditions of approval as stipulated. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

Mr. August moved to close the public hearing. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted those voting: Brian Sullivan, Chris Murphy, John August, Ken Dickson and Marilyn Raatz.

Mr. Murphy moved to close the discussion. Seconded by Ms. Raatz.

Vote: 5:0 in favor. Motion carried.

Mr. Murphy moved on Case No. 2025-36 Michael Ransack, Trustees of Herbert Ransack 2012 Irrevocable Trust, % William Crowell, Esq., & Michael Donovan, Esq., 466 Main Street, P.O. Box 185, Harwich Port, MA 02646, owner of the property located at 8 Cranberry Way, Assessors' Map 16, Parcel W4-9, in the RM Zoning District. The Applicant has been granted a Special Permit from s325-54(A) "non-conforming structures and Uses", s325-14(T) - Single Family Dwelling with Accessory Apartment, and s325 - Attachment 3, Table 3, Height and Bulk Regulations to construct a 2-car garage with a second story ADU, pursuant to the Harwich Zoning By-laws s325-52 & 54 and MGL Chapter 40A Sections 6. The granting is consistent with Gale and related cases as there will be an intensification of one or more existing non-conformities, no new non-conformities and no substantial detriment to the entire neighborhood on a pre-existing non-conforming lot and as the proposed structure will not create any additional negative impact with respect to the traffic, noise, odor and congestion. Any relief not expressly granted hereunder is hereby denied. All work shall be performed in accordance with the plan submitted with this application. Said grant and approval are subject to the following conditions: During the life of the project, there shall be no demolition, exterior construction or new landscaping between June 30th and Labor Day of any year. For the life of the approved project, all construction vehicles will be parked on the applicant's property and will not be on any public street or road. A violation of the terms and conditions of the Special Permit may be enforced as a violation of the Harwich Zoning By-law pursuant to MGL Chapter 40A section 7 in the Harwich Zoning By-law as these may be amended from time to time. Seconded by Mr. Dickson.

Vote: 5:0 in favor. Motion carried.

III. APPROVAL OF MINUTES

A. June 18, 2025 Meeting Minutes (Pine Oaks Meeting)

Mr. August noted a correction of the spelling on a name from Duran to Durak.

Mr. Dickson moved to approve the June 18, 2025 Meeting Minutes (Pine Oaks Meeting) as amended. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

B. June 25, 2025 Meeting Minutes (Regular Meeting)

Mr. August noted a correction of the name Moran Engineering.

Mr. Dickson moved to approve the June 25, 2025 Meeting Minutes (Regular Meeting) as amended. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

C. July 9, 2025 Meeting Minutes (Pine Oaks Meeting)

Mr. Dickson noted the correction of the name Atty. Peter Freeman in place of Atty. Singer.

Mr. August noted a correction of his statement “the negative impact of the failure to meet the state’s goals”.

Mr. Sullivan moved to approve the July 9, 2025 Meeting Minutes (Pine Oaks Meeting) as amended. Seconded by Mr. Murphy.

Vote: 5:0 in favor. Motion carried.

IV. NEW BUSINESS

Mr. Sullivan noted a change of venue for the August 6th hearing with Pine Oaks Village IV Case No. 2025-21. The hearing will be held at the Harwich Community Center in the multi-purpose room.

A. Discussion of tasks to be assigned to the Vice Chair

Mr. Sullivan noted the responsibilities of a Vice Chair and that he wanted to add to and amend them due to the need to get zoning code changes accomplished. He noted that there will be a committee put together comprised of stakeholders regarding zoning change requests from the ZBA.

B. Vote to re-organize the Board

Mr. Dickson nominated Brian Sullivan to continue as Chair. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Murphy nominated Ken Dickson as Vice Chair. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan nominated Alexander Donoghue as Clerk. Seconded by Mr. August.

Vote: 5:0 in favor. Motion carried.

Mr. Sullivan noted that any members with suggestions for code changes submit them to Mr. Dickson.

Board members discussed the process for and types of changes to the zoning codes.

Mr. Sullivan distributed a document for future discussion which he prepared with lot coverage calculations. He also distributed a document regarding the River Bend situation which included Atty. Kwesell's recommendation for a zoning amendment.

V. OLD BUSINESS

Mr. Dickson asked for information regarding additional possible dates for Pine Oaks Village IV.

Mr. Sullivan commented that there will be a meeting with the manager of the Community Center regarding available Wednesday dates. He asked that members send him dates that they may not be available.

VI. CORRESPONDENCE/BRIEFINGS

VII. ADJOURN

Mr. August moved to adjourn. Seconded by Mr. Murphy.
Vote 5:0 in favor. Motion carried. Meeting adjourned at 8:26pm

Respectfully submitted,

Judi Moldstad
Board Secretary