

# LEGAL ADVERTISING

## TOWN OF CHATHAM ZONING BOARD OF APPEALS LEGAL NOTICE

The Chatham Zoning Board of Appeals will hold a public hearing on **Thursday, July 27, 2017**, starting at **3:00 PM** in the Town Annex Large Meeting Room, 261 George Ryder Road, on the following applications:

**Application No. 17-051: Paul and Natalya Mackoul Trusts**, c/o Michael D. Ford, Esq., PO Box 485, West Harwich, MA 02671, owners of property located at **180 Stage Island Road**, also shown on the Town of Chatham's Assessors' Map 14A1 Block 1 Lot D23. The Applicant seeks to modify Special Permit No. 16-074 granted on October 13, 2016, to allow for a reconfiguration of the approved catwalk. The lot contains 30,545 square feet where 40,000 square feet is required in an R40 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section VIII.D.2.b. of the Chatham Protective Bylaw.**

**Application No. 17-052: 65 Holway Street LLC**, c/o Michael D. Ford, Esq., PO Box 485, West Harwich, MA 02671, owner of property located at **65 Holway Street**, also shown on the Town of Chatham's Assessors' Map 17C Block 25 Lot 53. The Applicant seeks to enlarge, extend, or change a nonconforming dwelling on a nonconforming lot via the construction of additions. The existing dwelling is nonconforming in that it is located 13.6 feet from the road. The proposed porch extension will be nonconforming in that it will be setback 14.6 feet from the road where 25 feet is required. The other proposed additions will comply with the road and abutter setback requirements. The existing building coverage is 2,313 square feet (15.8%) and the proposed building coverage is 2,470 square feet (16.9%) where 15% is the maximum allowed. The lot is nonconforming in that it contains 14,363 square feet where 20,000 square feet is required in the R20 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section V.B. of the Protective Bylaw.**

**Application No. 17-053: John and Jamie Selldorff**, c/o Michael D. Ford, Esq., PO Box 485, West Harwich, MA 02671, owner of the property located at **174 Eastward Road**, also shown on the Town of Chatham's Assessors' Map 13M Block 21 Lot C53. The Applicant seeks to modify Special Permit No. 13-037 granted on June 25, 2013, to relocate the approved swimming pool, pergola and patio to a different location on the property which will result in portions of the pool, pergola and patio to be located outside the applicable Coastal Conservancy District. The lot contains 104,068 square feet where 40,000 square feet is required in a R40 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section VIII.D.2.b. of the Chatham Protective Bylaw.**

**Application No. 17-032: David and Gretchen Guild**, c/o Rickard Roy, 123A Queen Anne Road, Harwich, MA 02645, owner of property located at **118 Captains Walk**, also shown on the Town of Chatham's Assessors' Map 15H Block 30 Lot H20. The Applicant seeks to enlarge, extend, or change a nonconforming dwelling on a nonconforming lot via the construction of two porch additions. The existing dwelling and proposed additions will comply with both road and abutter setback requirements. The existing building coverage is 2,858 square feet and the proposed building coverage is 2,947 square feet where 2,850 square feet is the maximum allowed. The lot is nonconforming in that it contains 22,159 square feet where 40,000 square feet is required in the R40 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section V.B. of the Chatham Protective Bylaw. Continued from May 25, 2017.**

**Application No. 17-043: Ripetide LLC**, c/o Michael D. Ford, Esq., PO Box 485, West Harwich, MA 02671, owner of property located at **132 Shore Road**, also shown on the Town of Chatham's Assessors' Map 16D Block 18B Lot 27B. The Applicant seeks to enlarge, extend, or change a nonconforming dwelling on a nonconforming lot via the construction of additions. The existing dwelling is nonconforming in that it is located 15.5 feet from the northerly abutter where 25 feet is required and has a ridge height of 31.1 feet where 30 feet is the maximum allowed. The proposed additions will comply with all bulk and dimensional requirements of the Bylaw. The existing building coverage is 3,124 square feet (7.3%) and the proposed building coverage is 3,829 square feet (8.9%) where 10% is the maximum allowed. The lot is nonconforming in that it contains 69.03 feet of frontage where 150 feet is required. The lot is conforming in that it contains 50,920 square feet in the R40 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section V.B. of the Chatham Protective Bylaw. Continued from June 22, 2017.**

**Application No. 17-018: 20 45 Chatham Bars Ave LLC**, c/o Andrew L. Singer, Esq., PO Box 67, Dennisport, MA 02639, owner of property located at **45 Chatham Bars Avenue**, also shown on the Town of Chatham's Assessors' Map 15D Block 39 Lot 16C. The Applicant seeks to amend Special Permit Nos. 71-26 and 99-45 or in the alternative a new Special Permit for interior and exterior storage, maintenance offices and workshop, with conditions, under Section V.B (use and structure) and Section I.C. (determination that a use not specifically listed should be authorized) of the Bylaw. The structure will continue to be nonconforming with a road setback of 3.5 feet where 25 feet is required. The existing and proposed building coverage will remain nonconforming at 9,984 square feet (27.7%) where 15% is the maximum allowed. The property contains 36,018 square feet in an R20 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section 9 and Section I.C., V.B. and VIII.D.2.b. of the Chatham Protective Bylaw. Continued from May 4<sup>th</sup>, May 25<sup>th</sup> and June 8, 2017 for re-advertising.**

**Other Business:**  
Approval of minutes  
Public Comments

**Plans, site plans, and all other documents related to these Applications are on file with the Department of Community Development, located at 261 George Ryder Road and may be viewed Monday through Thursday, 7:00 a.m. to 4:00 p.m.; Friday, 7:00 a.m. to 12:30 p.m.**

**The full agenda for this meeting will be posted at: [www.mytowngovernment.org/02633](http://www.mytowngovernment.org/02633) at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays.**

David Nixon  
Chairman

The Cape Cod Chronicle  
July 13 and 20, 2017

## TOWN OF CHATHAM ZONING BOARD OF APPEALS LEGAL NOTICE

The Chatham Zoning Board of Appeals will hold a public hearing on **Thursday, July 20, 2017**, starting at **4:00 PM** in the Town Annex Large Meeting Room, 261 George Ryder Road, on the following applications:

**Application No. 17-054: Pamela Wickham**, c/o William F. Riley, Esq., PO Box 707, Chatham, MA 02633, owner of property located at **17 Cabot Lane**, also shown on the Town of Chatham's Assessors' Map 7A Block 18 Lot 556. The Applicant seeks to enlarge, extend, or change a nonconforming dwelling on a nonconforming lot via the construction of additions, dormers and the demolition and reconstruction of the existing nonconforming garage on the same footprint. The existing dwelling is nonconforming in that it is located 14.2 feet from the westerly abutter and 11.9 feet from the easterly abutter where 15 feet is required. The proposed additions and dormers will comply with the road and abutter setback requirements however the reconstructed garage with habitable space above shall remain in its current location 14.9 feet from the easterly abutter where 15 feet is required. The existing building coverage is 2,575 square feet (15.6%) and the proposed building coverage is 2,671 square feet (16.2%) where 15% is the maximum allowed. The lot is nonconforming in that it contains 16,470 square feet where 20,000 square feet is required in the R20 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section V.B. of the Protective Bylaw.**

**Application No. 17-055: Eastward MBT LLC**, c/o William F. Riley, Esq., PO Box 707, Chatham, MA 02633, owner of property located at **41 Old Mail Road**, also shown on the Town of Chatham's Assessors' Map 14I Block 10 Lot 20. The Applicant seeks to enlarge, extend, or change a conforming dwelling on a nonconforming lot via the demolition of the existing dwelling and the construction of a new dwelling. The proposed dwelling will comply with the all bulk and dimensional requirements. The existing building coverage is 886 square feet (1.6%) and the proposed building coverage is 2,485 square feet (4.5%) where 10% is the maximum allowed. The lot is nonconforming in that it contains 75 feet of frontage where 150 feet is required. The lot contains 55,176 square feet where 40,000 square feet is required in the R40 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section V.B. of the Protective Bylaw.**

**Application No. 17-056: Brian T. and Carol J. Kenner**, c/o Sarah Turano-Flores, Esq., PO Box 1630, Hyannis, MA 02601, owners of property located at **68 Seachange Lane**, also shown on the Town of Chatham's Assessors' Map 3B Block 84 Lot M7. The Applicant proposes to change, alter, or expand a nonconforming dwelling on a nonconforming lot via the construction of a second floor addition, porch and deck. The existing dwelling is nonconforming in that it is located 25.7 feet from the Coastal Conservancy District (Top of Bank). The proposed deck and second floor addition will comply with road and abutters setback requirements. The proposed porch is nonconforming in that it will be located 22 feet from the Coastal Conservancy District (Top of Bank) where a 50 foot setback is required. The existing building coverage is 1,711 square feet (9.3%) and the proposed building coverage is 2,162 square feet (11.7%) where 15% is the maximum allowed. The lot is nonconforming in that it contains 18,500 square feet of buildable upland where 20,000 square feet is required. The lot is conforming in that it contains 36,400 square feet where 20,000 square feet is required in an R20 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Section 6 and Section V.B. of the Chatham Protective Bylaw.**

**Application No. 17-057: AF LLC**, c/o William F. Riley, Esq., PO Box 707, Chatham, MA 02633, owner of the property located at **157 Stony Hill Road**, also shown on the Town of Chatham's Assessors' Map 14H Block 13 Lot E2. The Applicant seeks to enlarge, extend, or change a nonconforming commercial structure on a nonconforming lot via the demolition of the existing structure and construction of a new structure. The Applicant seeks a Special Permit to include two 1-bedroom apartments incidental to the commercial use. The existing structure is nonconforming in that it is located 48 feet from the Stony Hill Road where a 50 foot setback is required. The proposed structure will comply with road and abutter setback requirements. The existing and proposed parking will remain nonconforming at 3 feet from northeasterly abutter where a 15 foot setback is required. The existing lot coverage is nonconforming in that it covers 18,624 square feet (88.9%) of the lot. The proposed lot coverage will remain nonconforming at 14,388 square feet (68.7.3%) where 60% is the maximum allowed. The lot contains 20,944 square feet in a GB3 Zoning District. **A Special Permit is required under M.G.L. Chapter 40A Sections 6 and 9 and Sections V.B., VII.B.4. and VIII.D.2.b. of the Protective Bylaw.**

**Other Business:**  
Approval of minutes  
Public Comments

**Plans, site plans, and all other documents related to these Applications are on file with the Department of Community Development, located at 261 George Ryder Road and may be viewed Monday through Thursday, 7:00 a.m. to 4:00 p.m.; Friday, 7:00 a.m. to 12:30 p.m.**

**The full agenda for this meeting will be posted at: [www.mytowngovernment.org/02633](http://www.mytowngovernment.org/02633) at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays.**

David Nixon  
Chairman

The Cape Cod Chronicle  
July 6 and 13, 2017

## TOWN OF ORLEANS SUMMER INFORMATIONAL MEETING

On Wednesday, July 19, 2017 at 6:45 p.m. in the Nauset Meeting Room of the Town Hall, the Board of Selectmen will hold the annual summer informational meeting.

The purpose of the meeting is to provide non-resident taxpayers, voters and other interested persons an opportunity to discuss problems, policies and progress.

The Board of Selectmen and Town Administrator will be available to answer questions on any area of Town government. All are welcome and encouraged to attend.

Jon R. Fuller, Chairman  
Board of Selectmen

The Cape Cod Chronicle  
July 13, 2017

## PUBLIC HEARING NOTICE FOR CONSIDERATION OF DEFINITIVE SUBDIVISION PLAN CHATHAM, MA PLANNING BOARD

As required by M.G.L., ch. 41, § 81L and 81O, the Planning Board of the Town of Chatham will hold a public hearing on **Tuesday, July 25, 2017** at 7:00 P.M. at the Chatham Town Hall Annex, located at 261 George Ryder Road Chatham, MA to consider the application of:

**Eastward Homes Business Trust** for approval of a definitive subdivision plan entitled: **Subdivision Plan Being a Subdivision of Lot 1, Pl. Bk. 642, Pg. 80, 288 Barn Hill Road, West Chatham, MA; located: 288 Barn Hill Road** showing a subdivision of land owned by: **Barn Hill Road Realty Trust c/o Christine Gorham, 11A Cucumber Hill Rd, Foster, RI 02825-1211**; plan prepared by: **Clark Engineering, LLC & Outermost Land Survey** dated: **June 29, 2017**; and showing: **fourteen (14) proposed lots.**

A copy of the plan and application may be reviewed at the Community Development Department located at 261 George Ryder Road on weekdays between the hours of 7:00 A.M. and 4:00 P.M. Monday-Thursday and 7:00 A.M. and 12:30 P.M. on Friday

Any person who is interested or wishes to be heard on the proposed definitive subdivision plan should appear on the date, time and place designated for the hearing.

DeeDee Holt  
Clerk

The Cape Cod Chronicle  
July 6 and 13, 2017

## HARWICH CONSERVATION COMMISSION NOTICE OF PUBLIC MEETING

The Harwich Conservation Commission will hold a public meeting in accordance with the provisions of the Wetlands Protection Act, MGL Ch. 131 §40, and its Regulations 310 CMR 10.00 and the Town of Harwich Wetlands Protection By-Law, and its Regulations, Article VII on **WEDNESDAY, July 19, 2017** in the **Small Hearing Room** Harwich Town Hall, 732 Main Street, Harwich, MA 02645. The meeting begins at **6:30 p.m.**

**The following items are up for Discussion, and Possible Vote:**  
Discussion and possible vote on restoration planting plan for 35 Chatham Road.  
**The following applicants have filed a Request for Determination of Applicability:**  
**Aquacultural Research Corp., 11 Harbor Way, Map 1, Parcel H3.** Proposed installation of a land based upweller operation within existing building. **(Continued from July 5, 2017)**

**The following applicant has filed a Notice of Intent:**  
**Demetrius Dasco, 23-1 Snow Inn Road, Unit 1, Wychmere Shores Condo, Map 8, Parcel P2-1.** The proposed patio extension & outdoor kitchen, replacement of brick patio with cut stone patio & mitigation plantings. Work will take place in the 50' buffer zone to the top of the coastal bank & in the Flood Zone. **(Continued from June 21, 2017)**

**Kathleen Lupoli, 11 Shore Road, Map 2, Parcel B1-14.** The proposed demolition of the existing motel buildings and the construction of a new single family dwelling with pool and cabana and installation of a new Title V septic system. Work will take place in the 50' and 100' buffer to the top of a coastal bank on Nantucket Sound. **(Continued from June 21, 2017)**

**Town of Harwich Cranberry Valley Golf Course, 183 Oak Street, Map 6 Parcel H1.** Proposed site work & construction of 50'x112' cart barn adjacent to exiting parking area within 100' of a wetland. **(Continued from July 5, 2017)**

**Christopher & Lisa Barton, 11 River Pine Circle, Map 11 Parcel P3-15** Addition of second floor to existing 3 car garage to include open space & bath with new footings – No expansion of foot print.

**Francis P. and Debra Zarette, Trustees, 11 Harbor Way, Map 1 Parcel H3-0:** After-the-fact filing for emergency structural support and site improvements. **(Continued from July 5, 2017)**

**You may contact the Conservation office at 508-430-7538 for further information.**

Walter Diggs,  
Chairman

The Cape Cod Chronicle  
July 13, 2017

## HARWICH PLANNING BOARD PUBLIC HEARING NOTICE

The Harwich Planning Board will hold a public hearing beginning no earlier than 6:30 PM on Tuesday, July 25, 2017 in the Griffin Room, 732 Main St., Harwich, MA to consider the following application(s). Any member of the public having an interest in this application is invited to attend and provide comment or may submit comments in writing.

**PB2017-19 Christopher and Barbara Rugg, as owners, c/o William D. Crowell, Esq., representative,** seeks approval of a Use Special Permit for an attached Accessory Apartment pursuant to the Code of the Town Harwich §325-51.H and Article V as set forth in M.G.L c. 40A §9. The proposal seeks to construct an addition with a garage and a 1 bedroom apartment above. The property is located at 350 Route 137, Map 105, Parcel G1, in the R-R, Six Ponds and W-R Zoning Districts.

All documents related to the above case(s) are on file with the Planning Department and the Town Clerk located at 732 Main Street and may be viewed during regular department business hours.

Lawrence E. Brophy,  
Chairman

The Cape Cod Chronicle  
July 6 and 13, 2017



# CLASSIFIEDS

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## LEGAL ADVERTISING

Continued from Page 53

**ZONING BOARD OF APPEALS PUBLIC HEARING  
WEDNESDAY, JULY 26, 2017 AT 6:00 P.M.  
GRIFFIN MEETING ROOM, HARWICH TOWN HALL  
AGENDA**

On Wednesday, July 26, 2017 at 6:00 PM, the Harwich Zoning Board of Appeals will hold a Public Hearing in the Griffin Meeting Room at the Harwich Town Hall, 732 Main Street to hear the following cases. Any member of the public having interest in these applications is invited to attend and provide information and comment relevant to these matters or may submit the same in writing by Thursday, July 20, 2017.

**Case #2017-04 (Continued)** Habitat for Humanity of Cape Cod, Inc. c/o Attorney Warren H. Brodie, has applied for a Comprehensive Permit pursuant to MGL Chapter 40B Sections 20-23 and 760CMR 56.00, to create an eight lot subdivision to provide for 6 new single family affordable homes, 2 "market rate" lots and a cul-de-sac. The property is located at 93 and 97 Route 28, Harwich, Map# 10, Parcels #W3-B and W5 located in the R-L Zoning District.

**Case #2017-17 (Continued)** David J. Rome and Lori R. Rome have applied for a Special Permit for additions to their pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 54.A.2 and §325 Table 2, Area Regulations and Table 3, Height & Bulk Regulations as set forth in MGL Chapter 40A §6. The property is located at 35 Pleasant Street in the RM-1 Zoning District.

**Case #2017-18 (RESCHEDULED TO 10/25/2017)** Jeffrey Rego and Joseph H. Rego III through their agent, Attorney Charles M. Sabatt seek a decision of the Board overturning the Building Commissioner's denial of a request for enforcement under MGL Chapter 40A §7. Applicants contend that the operation of "sand pit" is prohibited under §325 Table 1-Use Regulations and/or requires a permit under §325-102 and that travel to access the subject pit over a private way, a portion of which crosses the Applicants' property, is an unlawful extension of an unpermitted industrial and commercial use into a residential zoning district in violation of Massachusetts Case Law. The property is located off of Jay Z Drive, Assessor's Map MISC, Parcel 4054001 in the RR Zoning District.

**Case #2017-19** Clifford A. Daluze, John Z. Daluze, Jr. and Margaret Weigand through their agent, Attorney Frank J. Shealey are appealing a Cease and Desist Order issued by the Building Commissioner on 5/23/17 to halt "any and all commercial activity" at a "sandpit" located off Jay Z Drive until Applicants obtain "appropriate zoning relief" and an Operations Permit from the Harwich Planning Board. Applicants claim they have a "pre-existing, non-conforming status" under MGL Chapter 40A §6 and §325-26 of the Harwich Zoning By-Laws. The property is located off of Jay Z Drive, Assessor's Map MISC, Parcel 4054001 in the RR Zoning District.

**Case #2017-20** Thomas M. Kelly & Cathryn A. Kelly through their agent, Attorney William Crowell have applied for a Special Permit or in the alternative, a Variance to construct a sun room addition and deck onto their pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325-54.A.2 as set forth in MGL Chapter 40A §6 and §10. The property is located at 2 Trout Brook Road, Map 26, Parcel C1-13 in the RM Zoning District.

**Case #2017-21** Roger Keane, Executor of the Estate of Gwendolyn A. Keane, through his agent, Attorney William Crowell has applied for a Special Permit or in the alternative, a Variance to demolish and replace a single family dwelling. The application is pursuant to the Code of the Town of Harwich §325-54.A.2 as set forth in MGL Chapter 40A §6 and §10. The property is located at 6 Summer Lane, Map 13, Parcel Z14-3 in the RH-2 Zoning District.

**Case #2017-22** Heather Swartz and Jeffrey Swartz through their agent, Attorney William Crowell have applied for a Special Permit or in the alternative, a Variance to construct an addition including second floor habitable space to their pre-existing, non-conforming single family dwelling. The application is pursuant to the Code of the Town of Harwich §325 54.A.2 as set forth in MGL Chapter 40A §6 and §10. The property is located at 12 Satucket Road in the RH-1 Zoning District.

**Case #2017-23** Stephen P. Ford and Patricia W. Ford through their agent, Attorney Michael Ford have applied for a Special Permit or in the alternative, a Variance to demolish and replace a non-conforming detached garage. The application is pursuant to the Code of the Town of Harwich §325-54.A.2 as set forth in MGL Chapter 40A §6 and §10. The property is located at 7 South Street, Map 14, Parcel N4 in the CV and RM Zoning Districts.

In other business, the Board will address the following agenda items:  
\* Approval of minutes from the June 28, 2017 meetings.

New Business per the Board's discretion.

Documents related to the above cases are on file with the Building Department and the Office of the Town Clerk located at 732 Main Street, Harwich and may be viewed during regular department business hours.

**In accordance with State Law, this legal notice will also be available electronically at [www.masspublicnotices.org](http://www.masspublicnotices.org). The Town is not responsible for any errors in the electronic posting of this notice.**

**Per the Attorney General's Office: The Board may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business." If you are deaf or hard of hearing or a person with a disability who requires an accommodation, contact the Selectmen's Office at 508-430-7513**

*This Agenda may change at the discretion of the Board.*

*Recording & Taping Notification: As required by law, the Town may audio or video record this meeting. Any person intending to either audio or video record this open session is required to inform the chair.*

Authorized Posting Officer:  
Shelagh Delaney, [sdelaney@town.harwich.ma.us](mailto:sdelaney@town.harwich.ma.us)  
Board of Appeals Recording Clerk

The Cape Cod Chronicle  
July 6 and 13, 2017

**NOTICE OF PUBLIC HEARING  
TOWN OF HARWICH  
BOARD OF SELECTMEN  
APPLICATION FOR LIQUOR LICENSE  
TRANSFER OF LICENSE**

Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for a transfer of the Seasonal, Common Victualler, All Alcoholic Beverages License now held by The Commodore Inn, Ltd. d/b/a Raspberries Restaurant, 30 Earle Road, West Harwich, MA 02671, Richard Jones, Manager to 30 Earle Road LLC d/b/a The Commodore Inn, 30 Earle Road, West Harwich, MA 02671, John Foley, Manager, on the following described premises located at 30 Earle Road, West Harwich, MA: 868 sq. ft. indoor dining area, 4,800 sq. ft. outdoor area, 4 entrances and exits.

The Board of Selectmen will hold a hearing upon the application on Monday, July 24, 2017 no earlier than 6:30 p.m. in the Donn B. Griffin Room at Town Hall, 732 Main Street, Harwich, at which time all interested parties will be heard.

Board of Selectmen  
Local Licensing Authority

The Cape Cod Chronicle  
July 13, 2017

**Legal Ad Deadline is  
Monday at Noon**

**EXCEPT ON MONDAY HOLIDAYS**

**when the deadline will be Friday at Noon**

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