



The Town of Barnstable
Growth Management Department
www.town.barnstable.ma.us/growthmanagement



Jo Anne Miller Buntich
Director

TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

MINUTES

October 8, 2014 – 6:00 pm Town Hall, Hearing Room

Present: Craig G. Larson, Hearing Officer, Art Traczyk, Regulatory/Design Review Planner, Arden Cadrin, Special Projects Coordinator, Affordable Housing and Karen Herrand, Principal Assistant, Growth Management Dept.

Hearing Officer Craig G. Larson called the meeting to order at 6:00 p.m.

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Appeal No. 2014-046 - Foley

John & Tracey J. Foley have applied for a Comprehensive Permit pursuant to Chapter 40B of the General Laws of the Commonwealth of Massachusetts and Chapter 8, Section 15 of the Code of the Town of Barnstable, Affordable Housing - Accessory Apartments and Apartment Units. The applicant is seeking to utilize an existing one-bedroom, 800 sq.ft., apartment unit as an Accessory Affordable Apartment Unit. The apartment was authorized in 2006 as a family apartment and is located in an accessory building detached from the principal dwelling. The subject property is addressed 97 Old Town Road Hyannis, MA, and is shown on Assessor's Map 268 as Parcel 072. It is in the RB, Residence B Zoning District.

John and Tracey Foley in attendance. They give a brief history that they have had the apartment for seven years, their daughter used to live there. They would like to continue using it for some kind of income and make it an affordable price.

Hearing Officer, Craig Larson asks the Applicants if they have reviewed the decision draft from Staff (Exhibit A, Draft Decision and Notice)?

John Foley replies yes and they understand it.

Hearing Officer, Craig Larson asks for any public comment. None.

Draft Decision and Notice, pg. 2, Findings of Fact, item no. 1 (Exhibit A) read into record by Hearing Officer as follows:

1. The Applicant, John J. Foley and Tracy J. Foley, are the owners and occupants of the property located at 97 Old Town Road, Hyannis, MA as evident by a deed recorded at the Barnstable County Registry of Deeds in Book 21897, page 120. A September 3, 2014, signed Affidavit from Tracy J. Foley declares that 97 Old Town Road is the primary residence of the Applicant.

2. The application for a comprehensive permit is being made in accordance with the Town of Barnstable's Accessory Affordable Apartment Program, Chapter 9, Article II of the Code of the Town of Barnstable. That program is structured as a self-regulating income-limiting local initiated housing program. A qualified funding program accepted under the Code of Massachusetts Regulations 750 Section 56.00 that governs grant of comprehensive permits.
3. In accordance with MGL Chapter 40 B and 760 CMR 56.04 (4), a Site Approval Letter was issued to the Applicant for the subject property by Town Manager, Thomas K. Lynch on August 20, 2014. Notice of the Site Approval Letter was sent to the Department of Housing and Community Development, in accordance with the requirements of 760 CMR 56.04(2), and no issues were communicated from the Department on this application.

Based on these Findings Hearing Officer Craig Larson moves to grant the Appeal No. 2014-046 with the following Conditions as listed on the Draft Decision, (Exhibit A), pg. 3 through 5, items no. 1 through 18. It is so ordered to grant.

Rescind of Comprehensive Permit No. 2003-039 – DeBarros

At the request of the Monitoring Agent a hearing will be held to rescind Comprehensive Permit No. 2003-039 issued pursuant to MGL Chapter 40B and Section 9-15 of the Code of the Town of Barnstable to Claire C. DeBarros and filed with the Barnstable Land Court Registry as a part of Document No. 933,550. The subject property is addressed 190 Hamden Circle, Hyannis, MA and is shown on Assessor's Map 309 as Parcel 244. It is in a Residence B (RB) Zoning District.

Hearing Officer, Craig Larson reads the Draft Rescind of Comprehensive Permit Notice and Decision (Exhibit B) into record as follows:

On July 6, 2003, a Regulatory Agreement and Declaration of Restrictive Covenants was executed and signed by Ms. Claire DeBarros as required by the program. The Comprehensive permit and the Regulatory Agreement were recorded together at the Barnstable Land Court Registry on August 5, 2003, as Document No. 933,550. On February 18, 2004, the Building Commissioner signed a Certificate of Compliance documenting that the unit was completed in accordance with the comprehensive permit and an occupancy permit issued.

In August of 2014, the Zoning Enforcement Officer, Robin Anderson informed the Housing Coordinator/Monitoring Agent that the apartment unit had been vacant for some time and the property had been on the market. Ms. Anderson requested the Housing Coordinator/Monitoring Agent take action to rescind the Comprehensive Permit as Claire DeBarros is deceased.

Hearing Office, Craig Larson asks for any public comment. None.

Hearing Officer, Craig Larson moves to rescind this Comprehensive Permit No. 2003-039 based on these findings. It is so ordered.

Approval of Minutes: March 26, 2014, April 23, 2014, and May 14, 2014

Hearing Officer, Craig Larson moves to approve the minutes of March 26, 2014, April 23, 2014, and May 14, 2014. All approved.

Future Meetings: November 12, 2014 and December 10, 2014

There being no other business the hearing is adjourned at 6:08 p.m.

Respectfully Submitted,
Karen A. Herrand
Principal Assistant
Growth Management Dept.

Approved by vote of the Board on _____

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>

APPROVED

List of Exhibit Documents

Exhibit A – Draft Comprehensive Permit Decision and Notice, Comp Permit No. 2014-046, Foley – Map/Par 268/072

Exhibit B – Draft Rescind Notice and Decision of Comprehensive Permit No. 2003-039, DeBarros – Map/Par 309/244

APPROVED