

Town of Barnstable
Zoning Board of Appeals
Agenda
June 17, 2009 - 7:00 P.M.

Draft as of 06-12-09

Appeal No. 2007-107 - Continued

Berry
Request for a One-Year Extension

Administrative Process discussed on January 14, 2009, continued February 11, 2009, April 15, 2009 and to June 17, 2009. Members Assigned: Alex Rodolakis, Craig Larson, Michael Hersey, William Newton, Laura Shufelt

On May 7, 2009 Town Council voted to amend Section 240-125.C Period of Validity (Special Permits). That amendment took effect June 8, 2009. That amendment extends the period to execute a special permit from 1 to 2 years, and includes a retroactive applicability to existing valid permits and to permits that had filed applications for extensions.

Staff anticipates the applicant will be requesting a withdrawal of the appeal without prejudice.

A copy of Town Council Item No. 2009-077 is enclosed for insertion into the Members Manual's.

By letter dated December 19, 2008 from Attorney Eliza Cox, John P. Berry and Margaret D. Berry have requested a one-year extension of Special Permit No. 2007-107 issued January 23, 2008 for the demolition of an existing nonconforming dwelling and rebuilding of a new dwelling maintaining the nonconforming front yard setback. The request is being made pursuant to MGL Chapter 40A, Section 9. The subject lot is addressed 111 Ocean Drive, West Hyannisport, MA and is shown on Assessor's Map 266 as parcel 005. It is in a Residence B Zoning District.

Appeal No. 2009-006 - Continued

Fireman
Appeal of the Building Commissioner

Opened February 11, 2009, continued to March 25, 2009, May 20, 2009, and to June 17, 2009 No Members Assigned - No Testimony Taken

On May 7, 2009 Town Council voted to amend Section 240-91.H Developed Lot Protection; Demolition and Rebuilding on Nonconforming Lots. That amendment took effect June 8, 2009. That amendment addressed the issue in this appeal.

Staff anticipates the applicant will be requesting a withdrawal of the appeal without prejudice.

A copy of Town Council Item No. 2009-099 is enclosed for insertion into the Members Manual's.

Paul and Phyllis Fireman have appealed the Building Commissioner's letter of November 19, 2008 pursuant to Section 240-125(B)(1)(a), Appeals from Administrative Official. The letter expresses the Commissioner's opinion that 92 South Bay Road, Osterville, Mass., constitutes a single lot and that the demolition of the dwelling on the property and construction of two new dwellings on that property is not allowed under the zoning ordinance. The appellant is requesting that the Zoning Board of

Appeals overturn the Building Commissioner's November 19, 2008 letter and find that no zoning relief is required to allow for the construction of two dwelling on the 92 South Bay Road lot. The property is addressed as 92 South Bay Road, Osterville, MA and is shown on Assessor's Map 093 as parcel 042-001. It is in a Residential F-1 Zoning District and the Resource Protection Overlay District.

Appeal No. 2009-034 - New

**Estate of Allen Mikkonen
Bulk Variance to Adjust Lot Lines**

Staff Report and Application Materials enclosed for both Appeal Nos. 2009-034 & 035

Marla Rocha as Administratrix of the Estate of Allen Mikkonen has applied for a variance to Section 240-13.E, Bulk Regulations, Minimum Lot Area for a proposed "Lot 2" of 62,598 sq.ft., shown on a plan submitted and not in conformity to the 2-acre minimum lot area requirement for the Resource Protection Overlay District. The proposed Lot 2 is to be created by combining 52,466 sq.ft., of the existing lot addressed 540 Old Stage Road, Centerville, MA with 10,132 sq.ft., of the abutting lot addressed 530 Old Stage Road, Centerville, MA. The subject lots are shown on Assessor's Map 190 as parcels 074-001 and 074-002. They are in a Residence C Zoning District and a Resource Protection Overlay District.

Appeal No. 2009-035 - New

**Seth W. & Kristina I. Hazard
Bulk Variance to Adjust Lot Lines**

Seth W. & Kristina I. Hazard have applied for a variance to Section 240-13.E, Bulk Regulations, Minimum Lot Area for a proposed "Lot 1" of 47,044 sq.ft., shown on a plan submitted and not in conformity to the 2-acre minimum lot area requirement for the Resource Protection Overlay District. The proposed Lot 1 is to be created by combining 36,288 sq.ft., of the existing lot addressed 522 Old Stage Road, Centerville, MA with 7,289 sq.ft., of the abutting lot addressed 530 Old Stage Road, Centerville, MA and 3,467 sq.ft., of the abutting lot addressed 540 Old Stage Road, Centerville, MA. The subject lots are shown on Assessor's Map 190 as parcels 074-003, 074-002 and 074-001. They are in a Residence C Zoning District and a Resource Protection Overlay District.

Comprehensive Permit No. 2005-013 - Continued

**Mill Pond Estates
Modify House Designs & Allow Model Unit**

Opened June 10, 2009, continued at request of the applicant to June 17, 2009
No Members Assigned - No Testimony Taken

Application Materials previously distributed to Board Members.

In review, staff has detected that some of the footprints shown on the layout plan do not correspond to those proposed new building footprints.

Staff has requested that a scaled plan be prepared and signed by a registered architect or engineer showing the location of the proposed buildings.

Mill Pond Osterville Associates LLC, has requested a modification of Comprehensive Permit No. 2005-013 issued pursuant to MGL Chapter 40B for the development of 11 single-family dwellings. The

modifications seek to change the design of the homes authorized for the development and permission to build one model home for the purposes of marketing the development. The property is addressed as 459 and 449 Old Mill Road, Osterville, MA and is shown on Assessor's Map 166 as parcel 001 and on Assessor's Map 143 as parcel 040. It is in a Residence C Zoning District.

Comprehensive Permit No. 2005-082 - New

**Cotuit Equitable Housing
Minor Modification Location of Affordable
Unit**

The applicant is requesting a minor modification of the location of one of the affordable units from Lot # 34 to Lot # 31.

This permit and its modifications were issued to Cotuit Equitable Housing, LLC for the development of "Cotuit Meadows". The subject property is situated at Noisy Hole Road and Route 28 in Cotuit, MA. The permit authorized the subdivision of 50.44 acres and development of 124 single-family dwellings and accessory improvement. Thirty-one dwellings (25%) are to be dedicated in perpetuity as affordable units.

Open Chairman's Discussion
