



Town of Barnstable

Zoning Board of Appeals

June 27, 2012

The following hearing will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk

Introduction of Board Members

Approval of minutes from March 28, 2012, April 11, 2012, April 25, 2012 and May 9, 2012

7:00 PM **Appeal No. 2003-090 - New** **JDJ Housing Development, LLC & Dakota Partners, Inc.**

JDJ Housing Development, LLC and Dakota Partners Inc. have requested a one-year extension of Comprehensive Permit No. 2003-090 Village Green. Pursuant to 760 CMR 56.05(12), the Applicants request the extension be treated as an insubstantial change to the Comprehensive Permit. The request would be extend the permit to January 9, 2014.

7:00 PM **Appeal No. 2012-023 – Cont'd** **Atlantis Iyanough Realty, LLC**

Atlantis Iyanough Realty, LLC (d/b/a Stop & Shop) has applied for a variance from the sign code, Section 240-65, as necessary for freestanding/pylon and wall signs totaling 182 square feet, where a maximum of 100 feet is allowed. The Applicant seeks a second freestanding/pylon sign and a larger wall sign. The property is located at 425 Attucks Lane, Hyannis, MA as shown on Assessor's Map 274 as Parcels 004/B00, 004/H00, 008/B00, 008/H00, 009/B00, 009/H00, 026/B00, 026/H00, 027, 028, 039 and 040/005, 040-006 & 040-007. It is in the Highway Business and Business Zoning Districts.

Members assigned: William Newton, Craig Larson, Alex Rodolakis, George Zevitas, Laura Shufelt
Continued from April 25, 2012

7:05 PM **Appeal No. 2012-030 – Cont'd** **John M. Falacci, Trustee, Mountain Ash Realty Trust**

John M. Falacci, as Trustee of the Mountain Ash Realty Trust has petitioned for a Special Permit in accordance with Section 240-94.A and Section 240-94.B Nonconforming Uses – Change of a nonconforming use to another nonconforming use and Expansion of a pre-existing nonconforming use. The Petitioner seeks to establish that the former contractor's place of business was a lawful pre-existing nonconforming use of the property and further requests to establish the parameters of that use so that the property may continue to be able to be used as a contractor's place of business. The property is located at 1199 Pitcher's Way, Hyannis, MA as shown on Assessor's Map 273 as parcel 062. It is in the Residence C-1 Zoning District and the Groundwater Protection Overlay District.

Continued from May 23, 2012

7:10 PM **Appeal No. 2012-033 - New** **Swenson**

Christian H. Swenson has petitioned for a Special Permit in accordance with Section 240-92(B) Nonconforming buildings or structures used as single- and two-family residences. The petitioner seeks to construct a garage/storage addition that does not meet the required setbacks from wetlands and great ponds, but shall be no closer to the wetlands or edge of the pond than the existing dwelling. The subject property is located at 110 Nyes Neck Road East, Centerville, MA as shown on Assessor's Map 232 as parcel 011-001. It is in the Residence D-1 Zoning District.

7:15 PM

Appeal No. 2012-034 - New

Emerald Physician Services, Inc.

Emerald Physician Services, Inc. has filed an appeal of an administrative official's decision pursuant to Section 240-125(B)(1) and Massachusetts General Laws, Chapter 40A, §§8 and 15. The appellant proposes to operate a professional medical office in a 2,500 square foot building located in the Service & Distribution District. The Appellant is appealing a determination of the Building Commissioner that professional medical office use is not permitted in the S&D Zoning District. The subject property is located at 3880 Falmouth Road, Marstons Mills, MA as shown on Assessor's Map 058 as Parcel 039-002. It is in the S&D Zoning District.

7:20 PM

Appeal No. 2012-035 - New

72 South Bay Road Nominee Trust

Robert Sharkansky and John McElhinney, as Trustees of the 72 South Bay Road Nominee Trust have applied for a variance from Section 240-36D, Minimum lot size in the Resource Protection Overlay District and Section 240-13(E) side yard setback requirements in the RF-1 District. The Petitioners are proposing to reconfigure the lot lines of three contiguous residential lots consisting each of approximately one acre of upland, and create two larger and more conforming lots containing, respectively, 1.96 acres and 1.77 acres of total land area. Further relief is requested from the 15 foot side yard setback requirement in the RF-1 District for an existing pier. The subject property is located at 72 and 92 South Bay Road, Osterville, MA as shown on Assessor's Map 093 as Parcels 042-003 and 042-001. It is in the RF-1 and Resource Protection Overlay District.

The Zoning Board of Appeals may vote to go into executive session to discuss litigation strategy with regard to the pending case of *Bonner et al v. Zoning Board of Appeals*, Land Court 09Misc 417297

Open: Chair's Discussion

Upcoming Meetings:

July	11 & 25
August	8 & 22
September	12 & 26
October	10 & 24
November	14
December	12