



Town of Barnstable Zoning Board of Appeals Agenda

Wednesday, August 14, 2013

2nd Floor Hearing Room – 367 Main Street, Hyannis, MA

Call to Order

Introduction of Board Members

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Approval of Minutes

Minutes from July 10, 2013.

Old Business

7:00 PM Appeal No. 2013-002 - Cont'd

AT&T Mobility

AT&T Mobility, as Lessee, has petitioned for a modification of Special Permit No. 1998-043 to add two panel antennas, four remote radio heads, and two surge arrestors within the petitioner's 80 foot lease area on the tower and add one panel antenna, two remote radio heads and one surge arrestor within the 66 foot lease area on the tower. The subject property is located at 49 Ocean Street, Hyannis, MA as shown on Assessor's Map 326 as Parcel 025. It is located in the Hyannis Village Business Zoning District.

Opened: February 13, 2013, continued to March 27, 2013, continued to June 12, 2013, continued to August 14, 2013
Members assigned on February 13, 2013: Craig Larson, Alex Rodolakis, Brian Florence, George Zevitas, William Newton

7:00 PM Appeal No. 2013-035

Ruggiero

Daniel and Mindi Ruggiero have petitioned for a Special Permit pursuant to Section 240-91(H)(3) Demolition and Rebuilding on Nonconforming Lots. The Petitioners are proposing to raze an existing dwelling on a 7,500 square foot lot and rebuild a new two-story dwelling of approximately 2,100 gross square feet. The subject property is located at 93 Circuit Avenue, Hyannis, MA as shown on Assessor's Map 324 as Parcel 052. It is in the Residence B Zoning District.

NOTE: A request to continue the public hearing to August 28, 2013 was submitted by the Applicant.

Opened: June 26, 2013. Continued to August 14, 2013.
Members assigned: Craig Larson, Brian Florence, Alex Rodolakis, William Newton, Larua Shufelt

7:00 PM Appeal No. 2013-017 – Cont'd

Gingras

Diane R. Gingras has applied for a variance to Section 240-46(C)(2) Home Occupation by Special Permit. The Applicant seeks to install a two sq.ft freestanding sign in the front yard of her home to advertise her dog washing business. The ordinance allows one non-illuminated wall sign not to exceed two sq.ft and only listing the occupant's name and occupation. The property is located at 3111 Falmouth Road/Route 28, Marstons Mills, MA as shown on Assessor's Map 098 as parcel 008-005. It is in a Residence F zoning district.

Opened June 12, 2013, Continued to June 26, 2013, Continued to August 14, 2013.

Members assigned June 12, 2013: Alex Rodolakis, George Zevitas, Brian Florence, William Newton, Laura Shufelt

7:00 PM Appeal No. 2013-018 – Cont’d

Gingras

Diane R. Gingras has petitioned to modify Condition No. 8 of Special Permit No. 2005-102, which prohibits freestanding signage in conjunction with her permitted dog washing home occupation. The Petitioner seeks to install a two sq.ft freestanding sign in the front yard of her home. The property is located at 3111 Falmouth Road/Route 28, Marstons Mills, MA as shown on Assessor’s Map 098 as parcel 008-005. It is in a Residence F zoning district

Opened June 12, 2013, Continued to June 26, 2013, Continued to August 14, 2013.

Members assigned June 12, 2013: Alex Rodolakis, George Zevitas, Brian Florence, William Newton, Laura Shufelt

New Business

7:00 PM Comprehensive Permit 2003-090 - Modification

Village Green

Dakota Partners, Inc. has requested a modification of Comprehensive Permit No. 2003-090, issued for the development of the Village Green, a 120-unit rental apartment development with a minimum of 40 units committed to being low- or moderate-income units on 14.32 acres. The Applicant seeks to modify the Comprehensive Permit to change the subsidy program from the Massachusetts Housing Partnership Permanent Loan Program to the Massachusetts Department of Housing and Community Development under the Low Income Housing Tax Credit Program. The Applicant seeks endorsement of an Approval Not Required Plan to divide the parcel into two lots that comply with zoning requirements to facilitate the financing and development of the project in two phases, as approved by the Board. The Applicant seeks approval of the transfer of the lots to two separate owners: Phase I will be owned by Village Green I, LLC and Phase II will be owned by Village Green II, LLC. Dakota Partners, Inc. is a member of and affiliated with both limited liability companies. The Applicant has requested a waiver of the filing fee for a modification to a Comprehensive Permit. The property is addressed 767 Independence Drive, Barnstable, MA, as shown on Assessor's Map 332 as Parcel 010-001, located in the Industrial Zoning District, and Wellhead and Groundwater Protection Overlay Districts.

7:00 PM Appeal No. 2013-041 - New

Morin

Jacques N. Morin has applied to modify the conditions of Variance No. 2006-105, which granted relief from minimum lot area and lot width requirements in the RD-1 District and minimum 100’ front yard setback requirement to allow for development of a three-bedroom single-family residential dwelling a vacant lot. The applicant seeks to substitute the floor plans and architectural elevations approved with Variance No. 2006-105 with updated plans to allow for a design that will be more salable in today’s market. The footprint of the proposed dwelling will be within the zoning setbacks approved with Variance 2006-105. The property is located at 1358 Falmouth Road (Rte. 28), Centerville, MA as shown on Assessor’s Map 229 as parcel 099. It is in a Residence D-1 zoning district.

7:05 PM Appeal No. 2013-042 - New

Uyenoyama

Jane Uyenoyama has applied for relief from §240-14(E), the 1 acre minimum lot area requirement in the RF District and §240-36(D), the 2 acre minimum lot area in the RPOD District. The Applicant seeks variance relief to establish the 40,374 square foot vacant lot as a buildable lot. The property is located at 72 East Lane, Cotuit, MA as shown on Assessor’s Map 037 as Parcel 017. It is zoned Residence F (RF) and Resource Protection Overlay District (RPOD).

Correspondence

- Letter dated July 5, 2013 from FEMA regarding Preliminary Revised Flood Insurance Rate Map and Flood Insurance Study report.
- Dated July 9, 2013 – From Cape Cod Commission regarding Minor Modification to the DRI Decision for Barnstable Municipal Airport Improvement Project.

- Cape Cod Commission Agenda for Thursday, July 25, 2013 – Nomination for consideration of a Fertilizer Management DCPC for Cape Cod.
- Cape Cod Commission Hearing Notice for Wednesday, August 21, 2013 for a proposed cape-wide Fertilizer Management District of Critical Concern.

Please contact GMD staff if you would like a copy of any of the correspondence listed above.

Next Meeting: August 28, 2013

Other Business

Discussion on duties of Accessory Affordable Apartment Program Hearing Officer