



# Town of Barnstable

# Zoning Board of Appeals



[www.town.barnstable.ma.us/ZoningBoard](http://www.town.barnstable.ma.us/ZoningBoard)

Board Members:

Craig Larson – Chair Brian Florence – Vice Chair Alex Rodolakis – Clerk George Zevitas - Member  
David A. Hirsch – Associate Member Herbert Bodensiek – Associate Member Robin Young – Associate Member Matthew Levesque – Associate Member  
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Principal Planner - [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

## Agenda

**Wednesday, July 8, 2015**

2<sup>nd</sup> 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 of May 13, 2015 and May 27, 2015

### New Business

#### **7:00 PM Appeal No. 2015-034**

#### **Lane**

Mark and Susan E. Lane have applied for a variance to Section 240-14(E) – Bulk Regulations. The applicants propose to construct an addition to the southeast side of their existing dwelling that will encroach about 6 feet into the 15 foot required side yard setback. The property is located at 390 Cedar Street, West Barnstable, MA as shown on Assessor's Map 131 as Parcel 007-001. It is located in the Residence F Zoning District and Resource Protection Overlay District.

#### **7:05 PM Appeal No. 2015-035**

#### **Cwynar**

Elaine R. Cwynar has applied to modify Conditions No. 1 & 2 of Variance No. 2007-072. The applicant seeks to amend the conditions to allow for the construction of a 219 sq.ft second floor loft. Under Variance No. 2007-072 the "dwelling shall not be increased in area, limited to "one story" and "the gross area of the building shall not be expanded." The property is located at 29 Norris Street, Hyannis, MA as shown on Assessor's Map 306 as Parcel 033. It is in the Residence B Zoning District.

#### **7:10 PM Appeal No. 2015-038**

#### **Atlantic Development**

Atlantic Development has petitioned for a variance to Section 240-25(E) – Front Yard Setback Requirements and to amend the conditions of Variance No. 1995-21. The petitioner seeks to demolish the existing building and site features (pavement, landscaping, fuel storage tanks, utilities, etc) and construct a new self-service BJ's fueling station with canopy, attendant's kiosk and associated driveways, fuel storage tanks, landscaping, utilities, etc. Variance relief is sought to decrease the required front yard setback from Hinckley Road and modify conditions regarding the number of curb cuts on Iyannough Road and Hinckley Road set forth in Variance No. 1995-21. The property is located at 590 Iyannough Road/Route 132, Hyannis, MA as shown on Assessor's Map 311 as Parcel 017. It is in the Highway Business Zoning District.

**7:10 PM Appeal No. 2015-039****Atlantic Development**

Atlantic Development has applied for a Special Permit for extension of a preexisting nonconforming site dimension per Section 240-93 and expansion of a preexisting nonconforming use per Section 240-94. The applicant seeks to demolish the existing building and site features (pavement, landscaping, fuel storage tanks, utilities, etc) and construct a new self-service BJ's fueling station with canopy, attendant's kiosk and associated driveways, fuel storage tanks, landscaping, utilities, etc. Special Permits are sought to extend existing nonconformities regarding impervious area (increase impervious area from 73.2% to 84.8% of the lot) and fuel storage (replace 30,000 gallons of fuel storage with three new 64,000 gallon underground fuel storage tanks, plus 200 gallons of diesel fuel for emergency generator). The property is located at 590 Iyannough Road/Route 132, Hyannis, MA as shown on Assessor's Map 311 as Parcel 017. It is in the Highway Business Zoning District.

**Old Business****7:00 PM Appeal No. 2015-029****Marshall**

Winton W Marshall has applied to modify condition No. 6 of Special Permit No. 2002-95, which states "there shall be no accessory building added to this property." The applicant seeks to allow construction of a pier, ramp and float. The property is located at 132 Bay Shore Road, Hyannis, MA as shown on Assessor's Map 325 as Parcels 080. It is zoned RB Residence B.

Continued from May 27, 2015. No members assigned.

**7:00 PM Appeal No. 2015-030****Guarco**

Anne and Brian Guarco have petitioned for a Special Permit pursuant to §240-91H(3) and Massachusetts General Law Chapter 40A Section 6 to demolish and reconstruct a dwelling on a preexisting nonconforming lot that contains less than 10,000 square feet. The Petitioners are proposing to demolish the existing principal dwelling and construct a new, 2,216 sq.ft dwelling. The property is located at 163 Estey Avenue, Hyannis, MA as shown on Assessor's Map 306 as Parcel 197. It is located in the Residence B Zoning District

Members assigned: Alex Rodolakis, George Zevitas, David Hirsch, Herbert Bodensiek, Brian Florence

Continued from June 10, 2015

**7:01 PM Appeal No. 2015-031****Guarco**

Anne and Brian Guarco have applied for a variance to §240-91H(3)(b) and §240-91H(1)(b)[2] for relief from maximum floor area ratio requirements for the demolition of a nonconforming single-family dwelling and reconstruction of a dwelling which exceeds floor area ratio requirements. Alternatively, variance relief is requested from §240-11(E) for relief from Bulk Regulations for minimum lot area and front yard setback to permit the proposed reconstruction. The property is located at 163 Estey Avenue, Hyannis, MA as shown on Assessor's Map 306 as Parcel 197. It is located in the Residence B Zoning District

Members assigned: Alex Rodolakis, George Zevitas, David Hirsch, Herbert Bodensiek, Brian Florence

Continued from June 10, 2015

**Other Business**

Next regularly scheduled hearings are July 22, 2015, August 12, 2015 , August 26, 2015.

**Correspondence****Adjourn**

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Board may go into executive session. The Board may also act on items in an order other than they appear on this agenda.

\* Public files are available for viewing during normal business hours at the Zoning Board of Appeals office located at 200 Main Street, Hyannis, MA