



# 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)  
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## Agenda

**Wednesday, August 26, 2015**

**Selectman's Conference 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 August 12, 2015

### Requests for Extensions

#### **7:00 PM Appeal No. 2013-070**

#### **Cumberland Farms, Inc.**

By a letter dated July 29, 2015, E. James Veara, Esq., as representative for Cumberland Farms, Inc., has requested a one year extension of Appeal No. 2013-070, a special permit to demolish and rebuild a pre-existing nonconforming gas station. The property is located at 395 West Main Street, Hyannis, MA as shown on Assessor's Map 269 as Parcel 116. Granting the request would extend the validity of the permit from December 18, 2015 to December 18, 2016.

### New Business

#### **7:00 PM Appeal No. 2015-044**

#### **The Rycon Group, Inc.**

The Rycon Group, Inc., as prospective purchaser, seeks a Special Permit pursuant to Section 240-94(A) to change a nonconforming use to another nonconforming use. The Petitioner seeks to convert an existing gift shop to an office use and to maintain a residential apartment use. The property is located at 1540 Main Street/Route 6A, West Barnstable, MA as shown on Assessor's Map 197 as Parcel 015. It is located in the Residence F and Resource Protection Overlay Zoning Districts.

### 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 and July 8, 2015.. No members assigned.

#### **7:00 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.

Continued from July 8, 2015, July 22, 2015 and August 12, 2015. Members assigned: Alex Rodolakis, George Zevitas, David Hirsch, Matthew Levesque, Brian Florence

**7:00 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.

Continued from July 8, 2015, July 22, 2015 and August 12, 2015. Members assigned: Alex Rodolakis, George Zevitas, David Hirsch, Matthew Levesque, Brian Florence

**7:00 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.

Continued from July 8, 2015 and August 12, 2015 – No members assigned.

**7:00 PM Appeal No. 2015-040**

**Thompson**

Jane McC. Thompson, Trustee of 205 Scudder Realty Trust, has applied for a modification of the conditions of Variance Nos. 1995-052 and 2011-023. The applicant is requesting to eliminate Condition #3 of 1995-052 and Condition #3 of 2011-023 restricting the further division of the land. The applicant seeks to allow approval of a further division of the land from one nonconforming lot into two conforming lots. The property is located at 205 Scudder Lane, Barnstable, MA as shown on Assessor's Map 259 as Parcel 007-001. It is located in the Residence 2-C Zoning District.

Continued from August 12, 2015 – No members assigned

**Other Business**

Next regularly scheduled hearings are September 9, September 30

**Items Not Reasonably Anticipated by the Chair**

**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