



Town of Barnstable

Zoning Board of Appeals



www.town.barnstable.ma.us/ZoningBoard

Board Members:

Brian Florence – Chair Alex Rodolakis – Vice Chair
David A. Hirsch – Regular Member Herbert Bodensiek – Regular Member Robin Young – Associate Member Matthew Levesque – Associate Member
Spencer Aaltonen – Associate Member Jacob Dewey – Associate Member
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Director – elizabeth.jenkins@town.barnstable.ma.us
Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Agenda

Wednesday, April 12, 2017

Hearing Room – 2nd Floor – 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.

Minutes

January 11, 2017

Old Business

7:00 PM Appeal No. 2017-001

Beauregard

Todd and Anne Beauregard are appealing the decision of the Building Commissioner to issue a building permit (B-16-2228) for the construction of a single-family home with deck, portico and attached garage on property located at 45 East Avenue, Osterville, MA. The appellants claim the lot on which the single-family dwelling is to be constructed has merged with an abutting lot at 25 East Avenue and is therefore not entitled to the “grandfather” protection provided by §240-90 and M.G.L Chapter 40A §6. The subject property are located at 45 East Avenue, Osterville, MA as shown on Assessor’s Map 139 as Parcel 079. It is located in the Residence F-1 (RF-1) and Resource Protection Overlay Zoning Districts.

[Continued from January 11, 2017.](#) **Time Extension: New Date for Decision Due: 06-08-17**

[Members assigned 01-11-17: Brian Florence, David Hirsch, Herbert Bodensiek, Spencer Aaltonen, Jacob Dewey.](#) **No testimony taken**

[Members assigned 02-08-17: Brian Florence, David Hirsch, Jake Dewey, Spencer Aaltonen, Herbert Bodensiek](#)

7:01 PM Appeal No. 2017-017

Shay

Joseph F. Shay, Jr. has applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures. The Petitioner is proposing to construct an exterior elevator shaft on the southwest side of a pre-existing nonconforming structure that will intrude into the side/rear yard setback. The property is located at 76 Washington Avenue, Hyannis Port, MA as shown on Assessor’s Map 287 as Parcel 096. It is located in the Residence F-1 Zoning District.

Decision Due: 06-20-17

[Continued from March 22, 2017](#)

7:02 PM Appeal No. 2017-018

Shay

Joseph F. Shay, Jr. has petitioned for a variance from Section 240-13.E – Bulk Regulations. The Applicant is seeking relief from the existing side/rear yard setback requirement of fifteen (15) feet to construct an exterior elevator shaft which will result in a thirteen and a half (13.5) foot side/rear setback. The property is located at 76 Washington Avenue, Hyannis Port, MA as shown on Assessor’s Map 287 as Parcel 096. It is located in the Residence F-1 Zoning District

Decision Due: 06-07-17

[Continued from March 22, 2017](#)

7:03 PM Appeal No. 2017-014

Centerville Village Apartments Realty Trust

Adam J. Hostetter and Kristen Williams Haseotes, Trustees of the Centerville Village Apartments Realty Trust have applied for Special Permits pursuant to §240-93(B) Nonconforming Buildings or Structures not used as single or two-family dwellings and §240-94(B) Expansion of a Preexisting Nonconforming Use. The Applicant seeks to expand the preexisting nonconforming multi-family residential use on the property. The proposal is to relocate and preserve the existing filling station building on the property; demolish the remainder of the structures; and construct nine single-family dwellings (four two-bedroom units and five one-bedroom units). The property is located at 981 Main Street, Osterville, MA as shown on Assessor’s Map 117 as Parcels 026 and 178. It is located in the Residence C and Wellhead Protection Overlay Zoning Districts

Decision Due: 06-06-17

Continued from March 8th and March 22, 2017

04-12-17 = Applicant will be asking for a continuance to May 10, 2017

New Business

7:00 PM Appeal No. 2017-019

Drown

Gary and Mary Drown have applied for a Special Permit pursuant to Section 240-47.1.A(1) Family Apartments to construct a 1,018 square foot family apartment in an existing attached garage. A Special Permit is required from the Zoning Board of Appeals for a family apartment in excess of 800 square feet. The property is located at 194 Packet Landing Way, West Barnstable, MA as shown on Assessor’s Map 179 as Parcel 039. It is in the Residence C Zoning District.

Decision Due: 07-11-17

7:01 PM Appeal No. 2017-020

Parrella

Cynthia Parrella has applied for a Special Permit pursuant to Section 240-91.H(3) Nonconforming Lot - Developed Lot Protection. The applicant is proposing to demolish an existing 1,313 square foot dwelling and construct a new 2,248 square foot, three-bedroom single-family dwelling with a one-car garage on a developed lot that contains less than 10,000 square feet. The proposed structure will not be in compliance with current zoning setback requirements but will be more conforming than the existing structure. The property is located at 109 First Avenue, Osterville, MA as shown on Assessor’s Map 116 as Parcel 043. It is located in the Residence C and Resource Protection Overlay Zoning Districts.

Decision Due: 07-11-17

Correspondence

Received 03-28-17 from Planning Board. Notice of Public Hearing on Proposed Zoning Amendment – TC Item No. 2017-018 – Amending Chapter 240 of the Zoning Ordinance to Establish a Temporary Moratorium on the Cultivation, Manufacture, Sale and Distribution of Recreational Marijuana and Associated Activities.

Received 04-04-17 from Cape Cod Commission. Notice of Referral for Cape Cod Five Cents Savings Bank located at 1520 Iyannough Road and 131 Attucks Lane, Hyannis as a mandatory Development of Regional Impact (DRI) pursuant to Section 3 of Chapter A of Cape Cod Commission Regulations, Enabling Regulations Governing Review of Developments of Regional Impact.

Matters Not Reasonably Anticipated by the Chair

Upcoming Meetings

April 26, 2017, May 10, 2017, May 24, 2017

Adjournment

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