



Town of Barnstable

Zoning Board of Appeals



Board Members:

Alex Rodolakis – Chair David Hirsch – Vice Chair Herbert Bodensiek - Clerk
 Jacob Dewey – Regular Member Paul Pinard – Regular Member
 Todd Walantis – Associate Member Mark Hansen – Associate Member Robert Twiss – Associate Member
 David Bogan – 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, January 22, 2020

James H. Crocker Jr., 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 and in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Discussion

MPG Corporation, 1617 Falmouth Road, Centerville, came before the Board in March 2018 (No. 2018-007) with a plan for a new service station that included a drive-thru. The Board approved the plan but without the drive-thru. The Applicant returned to the Board in April 2019 (No. 2019-017) with a revised plan that was approved by the Board but appealed by an abutter. That appeal was later dismissed. At this time it was discovered that the plans referenced in Decision 2019-017 did not include all of the revised plans. An “Error in Script” was drafted and stamped in at the Clerks Office on October 1, 2019, but it was recommended by the Town Attorney that the Applicant should appear before the Board for a discussion, an acknowledgement that the Board approved the correct plans, and a vote.

Old Business

7:00 PM

Appeal No. 2019-038

Shoestring Properties

Stuart Bornstein, Shoestring Properties, has appealed the Building Commissioner’s determination that vehicles parked on a vacant lot at 53 South Street are not an allowed use as a matter of right. The Appellant has also requested zoning relief. The subject property is located at 53 South Street, Hyannis, MA as shown on Assessor’s Map [326 as Parcel 125](#). It is located in the Harbor District (HD) Zoning District.

Continued from August 7, 2019, September 11, 2019 and October 30, 2019. Members assigned on 08-07-19: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Paul Pinard. Members assigned on October 30, 2019 were: Alex Rodolakis, Robert Twiss, Jacob Dewey, Herbert Bodensiek and Mark Hansen. Continued from December 11, 2019. Members assigned on December 11th: Alex Rodolakis, Robert Twiss, Jacob Dewey, Herbert Bodensiek, David Hirsch.

7:01 PM Appeal No. 2020-003

Hunt & Bogan

Heather Hunt and David Bogan, as Appellants, have filed an application for Other Powers requesting Enforcement Action. The Appellants are requesting the Board to 1. find Scudder Bay’s use of 438 Main Street to be illegal under the Ordinance, and 2. order Scudder Bay to cease and desist its illegal commercial use of the property. The Appellants are claiming that Scudder Bay Investment Corporation has been operating a commercial rental operation within the Residence C (RC) Zoning District and that only single-family residential uses are allowed within the District which is in violation of Section 240-7 and 240-13. The subject property is located at 438 Main Street, Osterville, MA as shown on Assessor’s Map 164 as Parcel 001. It is located in the Residence C (RC) Zoning District.

Continued from January 8, 2020. No members assigned, no testimony taken.

7:02 PM

Appeal No. 2019-058

Conrado

Ricardo Conrado, as prospective owner, has applied for a Special Permit pursuant to Section 240-94 – Expansion of a Pre-Existing Nonconforming Use. The Applicant is proposing to construct a detached four-car garage with a two-bedroom living unit above on a lot where there presently exists a two-family dwelling in a single-family residential zoning district. The subject property is

located at 60 Nautical Road, Hyannis, MA as shown on Assessor's Map [307 as Parcel 235](#). It is located in the Residence B (RB) Zoning District.

Continued from December 11, 2019. Members assigned: Alex Rodolakis, David Hirsch, Jake Dewey, Herb Bodensiek, Paul Pinard. No testimony taken, only request to continue.

New Business

7:03 PM

Appeal No. 2020-005

Holcombe

Peter C. and Kathleen F. Holcombe, Trustees of the Kathleen F Holcomb 2016 Trust, have filed an application for Other Powers requesting Enforcement Action. The Appellants are requesting the Board to 1. find Scudder Bay's use of 69 Fox Run, Centerville, to be illegal under the Ordinance, and 2. order Scudder Bay to cease and desist its illegal commercial use of the property. The Appellants are claiming that Scudder Bay Investment Corporation has been operating a commercial rental operation within the Residence C (RC) Zoning District and that only single-family residential uses are allowed within the District in violation of Section 240-7 and 240-13. The subject property is located at 69 Fox Run, Centerville, MA as shown on Assessor's Map 227 as Parcel 157. It is located in the Residence C (RC) Zoning District.

Request received 01-09-20 to continue to February 12, 2020 at 7:00 pm.

7:04 PM

Appeal No. 2020-006

Chapman/Hesse

William Chapman and Eric Hesse have petitioned for a Variance pursuant to Section 240-36 in order to convey 1,521 square feet from the owner of Lot 5, William Chapman, to the owner of Lot 6, Eric Hess. The owner of Lot 6, Eric Hesse, wishes to convey 1,521 square feet shown as Parcel 6A to the owner of Lot 5, William Chapman. The subject properties are located at 39 Meadow Lane and 53 Meadow Lane, West Barnstable MA as shown on Assessor's Map 133 as Parcels 005-003 and 006-000. They are located in the Residence F (RF) and Resource Protection Overlay District (RPOD) Zoning Districts.

Correspondence

Received January 3, 2020 from Atlantic Design Engineers, Inc., providing the Stormwater Operation and Management (O&M) Plan revised 12/4/19 for proposed car wash at 600 Yarmouth Road. The revised Stormwater O&M Plan addresses the requirements of Condition #11. A, B, C and D of Special Permit 2019-047 granted by the ZBA.

Received January 9, 2020 - Cape Cod Commission Hearing Notice for Development of Regional Impact for Tractor Supply, Hyannis. Hearing will be held on January 23, 2020 at 3:00 PM in the East Wing Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable.

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

February 12, February 26, March 11

Adjournment