



Town of Barnstable

Zoning Board of Appeals



Board Members

Jacob Dewey – Chair Herbert Bodensiek – Vice Chair Paul Pinard – Clerk
 Emanuel Alves – Associate Member Mark Hansen – Regular Member Larry Hurwitz – Associate Member
 Denise Johnson – Associate Member Aaron Webb – Regular Member Vacant – Associate Member
 Betty Ludtke – Town Council Liaison

Staff Support

Elizabeth Jenkins – Director – elizabeth.jenkins@town.barnstable.ma.us
 Anna Brigham – Principal Planner – anna.brigham@town.barnstable.ma.us
 Genna Ziino – Administrative Assistant – genevey.ziino@town.barnstable.ma.us

Agenda

Wednesday, January 24, 2024

7:00 PM

James H. Crocker Jr. Hearing Room, 2nd Floor, Town Hall
 367 Main Street, Hyannis

To all persons interested in or affected by the actions of the Zoning Board of Appeals, you are hereby notified, pursuant to Section 11 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, and all amendments thereto, that a public hearing on the following appeals will be held on Wednesday, January 24, 2024, at the time indicated:

Call to Order

Introduction of Board Members

Notice of Recording

This meeting of the Zoning Board of Appeals is being recorded and broadcast on the Town of Barnstable’s Government Access Channel. In accordance with MGL Chapter 30A §20, I must inquire whether anyone is recording this meeting and if so, to please make their presence known.

Minutes

November 8, 2023 – Click [HERE](#) for materials

Old Business

7:00 PM

Appeal No. 2023-014

Ernest J. Jaxtimer

Ernest J. Jaxtimer has filed an Appeal of an Administrative Official’s Decision in accordance with Barnstable Zoning Ordinance Section 240-125 B.(1)(a) and M.G.L. Chapter 40A Section 8 and Section 15. The Petitioner seeks to overturn the Notice of Zoning Ordinance Violation and Order to Cease, Desist, and Abate Immediately from the Building Commissioner, dated May 26, 2023. Summary of violations determined by the Building Commissioner include Barnstable Zoning Ordinances Article II General Provisions Sections 240-7 A, 240-10 A; Article III District Regulations Sections 240-14 A (1); Article IX Site Plan Review Sections 240-100 A, 240-101 B, 240-103 B, 240-103 C, 240-103 K, and 240-105 G. The subject properties are located at 1450 Osterville West Barnstable Road as shown on Assessor’s Map 127 as Parcel 007 001, and 1450 Osterville West Barnstable Road #A as shown on Assessor’s Map 127 as Parcel 036. Both properties are located in the Residence F (RF) Zoning District. **Continued from July 26, 2023, September 13, 2023 and November 8, 2023.**

(Click [HERE](#) for materials)

7:01 PM

Appeal No. 2023-039

Baird

Daniel and Karen Baird have filed an Appeal of an Administrative Official’s Decision in accordance with 240-125 B. (1)(A) and M.G.L. Chapter 40A Section 8. The Petitioners seek to overturn the Notice of Violation and Order to Cease, Desist, and Abate from the Building Commissioner, dated September 11, 2023. Summary of violations determined by the Building Commissioner include Barnstable Zoning Ordinance Chapter 240 Section 14 A.(1) RF Residential District and Chapter 240 Section 10C Prohibited Uses. Specifically, the use of a trailer/camper as a substitute dwelling unit or for temporary sleeping purposes on a property without a

permitted principal dwelling. The subject property is located at 27 Falcon Road, West Barnstable, MA as on Assessor's Map 196 as Parcel 032. It is located in the Residence F (RF) Zoning District. [Continued from December 6, 2023.](#)

(Click [HERE](#) for Materials)

7:02 PM

Appeal No. 2023-010

Arista Hyannis LLC

Arista Hyannis LLC has applied for a Special Permit in accordance with Section 240-25(B)(22) and 240-25(C)(10) Drive-Through for a proposed restaurant. The Applicant proposes to remodel the former bank building and change the use to a food service establishment with a drive-through. The subject property is located at 715 West Main Street, Hyannis, MA as shown on Assessor's Map 249 as Parcel 155. It is located in the Highway Business (HB) District. [Continued from May 10, 2023 and July 26, 2023 and September 13, 2023, and November 8, 2023 and January 10, 2024.](#) Members assigned: Jacob Dewey, Paul Pinard, Mark Hansen, Aaron Webb, and Herb Bodensiek.

(Click [HERE](#) for materials)

New Business

7:03 PM

Appeal No. 2023-042

Baker & Moir, as Appellants

Patricia Baker and David D. Moir, as Appellants, are appealing the issuance of Building Permit BLDR-23-780 issued on November 1, 2023 to EJ Jaxtimer for the construction of a 3,100 sq. ft., 3-bedroom home for Janet Holian, Trustee of Holian Family Realty Tr. The subject property is located at 240 Windswept Way, Osterville, MA and 250 Windswept Way, Osterville, MA as shown on Assessor's Map 051 as Parcel 012-001 and 012-000, respectively. It is located in the Residence F-1 (RF-1) and the Resource Protection Overlay District (RPOD).

(Click [HERE](#) for materials)

7:04 PM

Appeal No. 2023-044

Alliegro

George and Debra Alliegro have petitioned for a Variance pursuant to Section 240-13 E. RF-1 Bulk Regulations – Minimum Side Yard Setback. The Petitioners seek a variance to construct an unconditioned, screened porch over an existing patio 12.6 feet from the lot line where 15 feet is required. The subject property is located at 202 Sea View Avenue, Osterville, MA as shown on Assessor's Map 138 as Parcel 014. It is located in the RF-1 Zoning District.

(Click [HERE](#) for materials)

7:05 PM

Appeal No. 2023-045

Alliegro

George and Debra Alliegro have applied to modify Special Permit No. 2016-018 Modification No. 3 to allow for the construction of a screened porch over an existing patio, which would increase the lot coverage from 16.2% to 18.3%. The subject property is located at 202 Sea View Avenue, Osterville, MA as shown on Assessor's Map 138 as Parcel 014. It is located in the RF-1 Zoning District.

(Click [HERE](#) for materials)

Correspondence

Matters Not Reasonably Anticipated by the Chair

Upcoming Hearings

February 7, 2024, February 28, 2024, March 13, 2024

Adjournment