

Meeting Materials for May 27, 2020 Zoning Board of Appeals Meeting

Table of Contents

Page 1 Appeal No. 2020-020, Kalkus, 99 Old Farm Road, Centerville

Page 13 Appeal No. 2020-021 Thaler, 139 Point of Pines Avenue, Centerville



20 APR -1 P3:19

**Town of Barnstable
Zoning Board of Appeals
Petition for a Special Permit
RECEIVED**

Date Received
Town Clerk's Office:

APR 06 2020

For office use only:
Appeal # 2020-020
Hearing Date 05-27-20
Days Extended _____
Decision Due 08-05-20

ZONING BOARD OF APPEALS

The undersigned hereby applies to the Zoning Board of Appeals for a Special Permit, in the manner and for the reasons set forth below:

Petitioner's Name¹: TIMOTHY J. & MARLA J. KALKUS, Phone: 714-287-5978
Petitioner's Address: 17291 OSTERVILLE LN., HUNTINGTON BEACH, CA 92649
CARE OF REEF LTD - JIM HAGERTY - 508-258-7067
Property Location: 99 OLD FARM RD. CENTERVILLE, MA 02632
Property Owner: SAME AS ABOVE, Phone: _____
Address of Owner: SAME AS ABOVE
If applicant differs from owner, state nature of interest:²

Registry of Deeds/Land Court References: Deed 28598/76 Plan LOT 5 PUB BE 36/SHEET 6
Assessor's Map/Parcel Number: 231/26 Zoning District: RD-1
Number of Years Owned: 6 Groundwater Overlay District: YES

Special Permit Requested: CREATION OF FAMILY APARTMENT SEC. 240-47.1
Cite Section & Title from the Zoning Ordinance

Description of Activity/Reason for Request: CREATE 1 BEDROOM, FAMILY APARTMENT
IN EXISTING DETACHED STRUCTURE ON SITE
SEE ATTACHED NARRATIVE Attach additional sheet if necessary

Is the property subject to an existing Variance or Special PermitNo Yes [] - _____
Permit # _____

¹ The Petitioner's Name will be the entity to whom the special permit will be issued to.
² If the Applicant differs from owner, the Applicant will be required to submit one original notarized letter from the owner authorizing the application to the Zoning Board, a copy of an executed purchase & sales agreement or lease, or other documents to prove standing and interest in the property.

Petition for a Special Permit - Page 2

Description of Construction Activity (if applicable): INSTALLATION OF KITCHEN CABINETS, RANGE, SINK, REFRIGERATOR IN EXISTING FINISHED 1 BEDROOM, 1 BATH ACCESSORY STRUCTURE (440SF) Attach additional sheet if necessary

Existing Level of Development of the Property - Number of Buildings: 2 BUILDINGS

Present Use(s): 1) 1394 SF, SINGLE FAM HOME 2) 440SF FINISHED 1 BEDROOM / 1 BATH STRUCTURE

Existing Gross Floor Area: 1834 sq. ft. Proposed New Gross Floor Area: 1834 sq. ft.

Site Plan Review Number: N/A Date Approved: _____ (not required for Single or Two Family use)

- Is the property located in a designated Historic District?..... Yes [] No [X]
- Is this proposal subject to the jurisdiction of the Conservation Commission Yes [] No [X]
- Is this proposal subject to approval by the Board of Health Yes [] No [X]
- Is the building a designated Historic Landmark?..... Yes [] No [X]
- Have you applied for a building permit?..... Yes [] No [X]
- Have you been refused a building permit?..... Yes [] No [X]

The following Required Information, as applicable to application, must be submitted with the application at the time of filing, failure to do so may result in a denial of your request.

- Three (3) copies of the completed application form, each with original signatures.
- Three (3) copies of a 'wet sealed' certified property survey (plot plan) and one (1) reduced copy (8 1/2" x 11" or 11" x 17") showing the dimensions of the land, all wetlands, water bodies, surrounding roadways and the location of the existing improvements on the land.
- Three (3) copies of a proposed site improvement plan, as found approvable by the Site Plan Review Committee (if applicable), and building elevations and layout as may be required plus one (1) reduced copy (8 1/2" x 11" or 11" x 17") of each drawing. These plans must show the exact location of all proposed improvements and alterations on the land and to the structures.
- The applicant may submit any additional supporting documents to assist the Board in making its determination. Twelve copies of all supporting documents must be submitted eight days prior to the public hearing for distribution to the Board Members.

Signature: [Handwritten Signature] Date: 3/18/20
Applicant's or Representative's Signature³

Print Name MATTHEW R. TEAGUE, PRES

Address: REEF LTD Phone: 508-394-3090
PO BOX 186 / 24 School St

W. Dennis, MA 02670 Fax No.: _____

e-mail Address: MTEAGUE@CSPECODBUILDER.COM

³ All correspondence on this application will be processed through the Representative named at that address and phone number provided. Except for Attorneys, if the Representative differs from the Applicant/Owner, a letter authorizing the Representative to act on behalf of the Applicant/Owner shall be required.

OWNER AUTHORIZATION FORM

Statement of Ownership:

Timothy J. and Marla J. Kalkus, as Owner(s) of the subject property, hereby authorize **Reef Realty Ltd.** to act on our behalf, in all matters relative to work authorized by this building permit application for:

99 Old Farm Rd.
Centerville, MA
Map: 231 Parcel: 026

Name of Authorized Agent / Contractor:

*Reef Realty Ltd.,
dba REEF Builders
Matthew K. Teague
24 School Street
P.O. Box 186
West Dennis, MA 02670*

Marla Kalkus
Owner Signature

3.5.2020
Date

[Signature]
Owner Signature

TIMOTHY KALKUS
Print Name

MARLA KALKUS
Print Name

March 18, 2020

To: Chairman, Barnstable Zoning Board of Appeals

RE: Special Permit Application for Family Apartment 99 Old Farm Rd. Centerville, MA

Special Permit Request: The owners of the above-referenced property are requesting a special permit to create a Family Apartment under Section 240-47.1 of the zoning bylaw. The special permit application is required under Section 240-47.1, B, (4) as the proposed family apartment will in an existing structure. Outside of the detached structure issue, this application meets all other criteria for an as of right application under Section 240-47.1, A:

- 1) The apartment unit shall not exceed 50% of the square footage of the existing single family dwelling, and shall be limited to no more than 2 bedrooms
 - a. Existing Single Family dwelling is 1394sf (Building 1), proposed family apartment (Building 2) will contain 440sf, less than 50% and will only have 1 bedroom
- 2) The occupancy of the apartment shall not exceed two family members
 - a. The proposed family apartment in Building 2 will only have 1 occupant, the owner's uncle

Property Description: There are currently 2 buildings on the property at 99 Old Farm Rd., Centerville. Building 1 is an existing 1394sf, 2 bedroom, single family detached home built in 1948, which sits approximately 50' from Lake Wequaquet. Building 2 is a detached, 1 bedroom structure built in 1986, with a fully finished interior, with 1 bathroom, smoke and CO detectors, septic system connection, natural gas heat and complete electrical system.

Family Relationship and History: The applicants, Tim and Marla Kalkus, purchased this property in 2014 from Tim's uncle, Roy Cowling. Roy is Tim mother's brother (Mother was Thelma Cowling) and the Cowling Family has owned the property since the early 1950's. Tim spent many summers at this property growing up, and was able to purchase the property from his uncle, Roy, in 2014. Tim Kalkus and his family plan on moving back to Cape Cod full time and would like to allow Roy to be able to live with them on the property in Building 2, allowing Tim and Marla to occupy the larger home, Building 1. A draft affidavit required under has been provided with this application (see attached)

Construction Required: There will be a minimal amount of construction required to turn Building 2 into a full dwelling unit. Since this unit currently is finished on the interior with a functioning bathroom with shower, gas heat, electrical service and septic connection, all that will be needed to create the dwelling unit would be the installation of a small kitchen cabinet layout with a range and refrigerator. Building 2 also currently has smoke and CO detectors to code.

RECEIVED

APR 06 2020

ZONING BOARD OF APPEALS

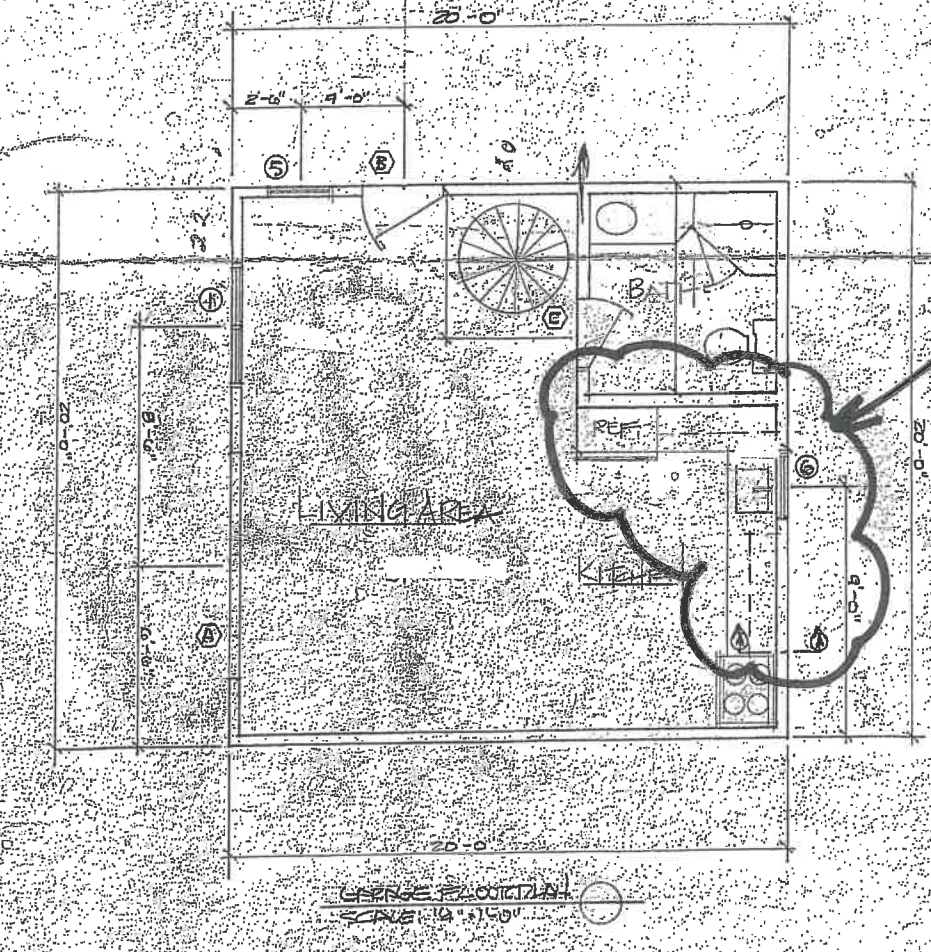
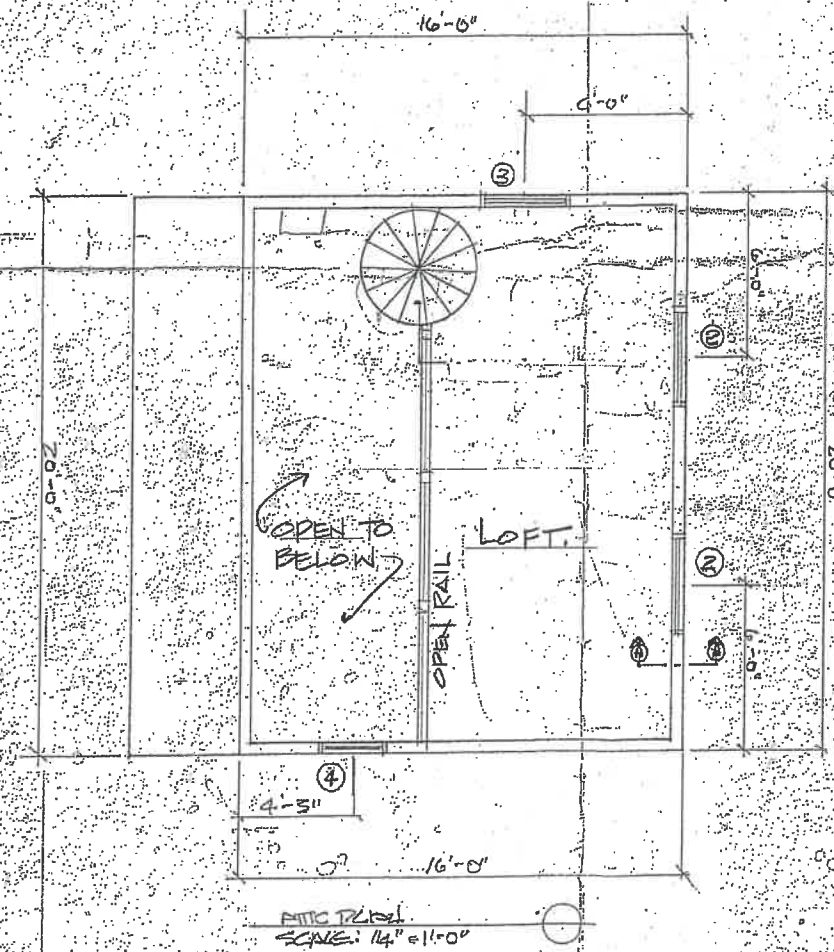
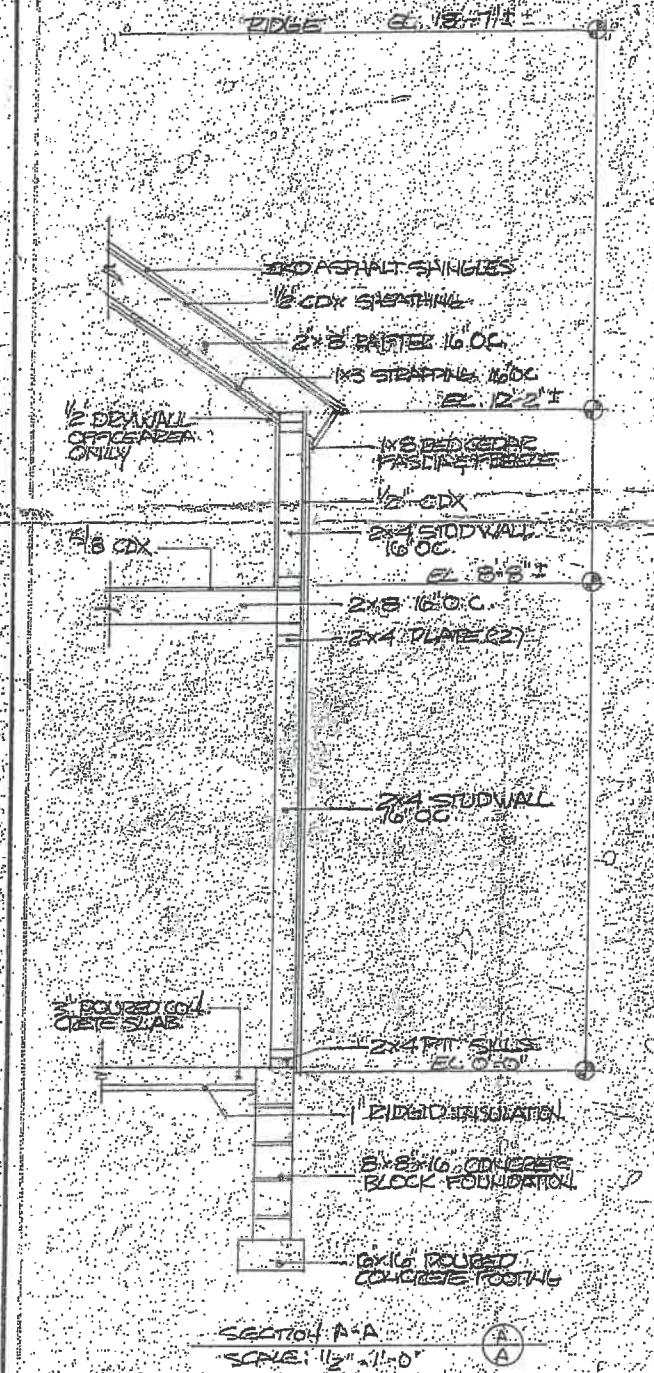
20 APR -1 P.3:20

BARNSTABLE
TOWN CLERK

PROPOSED
CABINETS
AND APPLIANCES
INSTALL
TO CREATE
DWELLING
UNIT

#	R.O.	TYPE	REMARKS
1	4'4" x 4'6"	AMERICAN 2042 (2)	TELEPHONE
2	1'9" x 5'5"	AMERICAN 2042 (2)	TELEPHONE
3	5'1" x 2'10"	AMERICAN 2042 (2)	TELEPHONE
4	2'2" x 2'2"	AMERICAN 2042	TELEPHONE
5	4'5" x 2'2"	AMERICAN 2042	TELEPHONE
6	3'5" x 2'2"	AMERICAN 2042	TELEPHONE

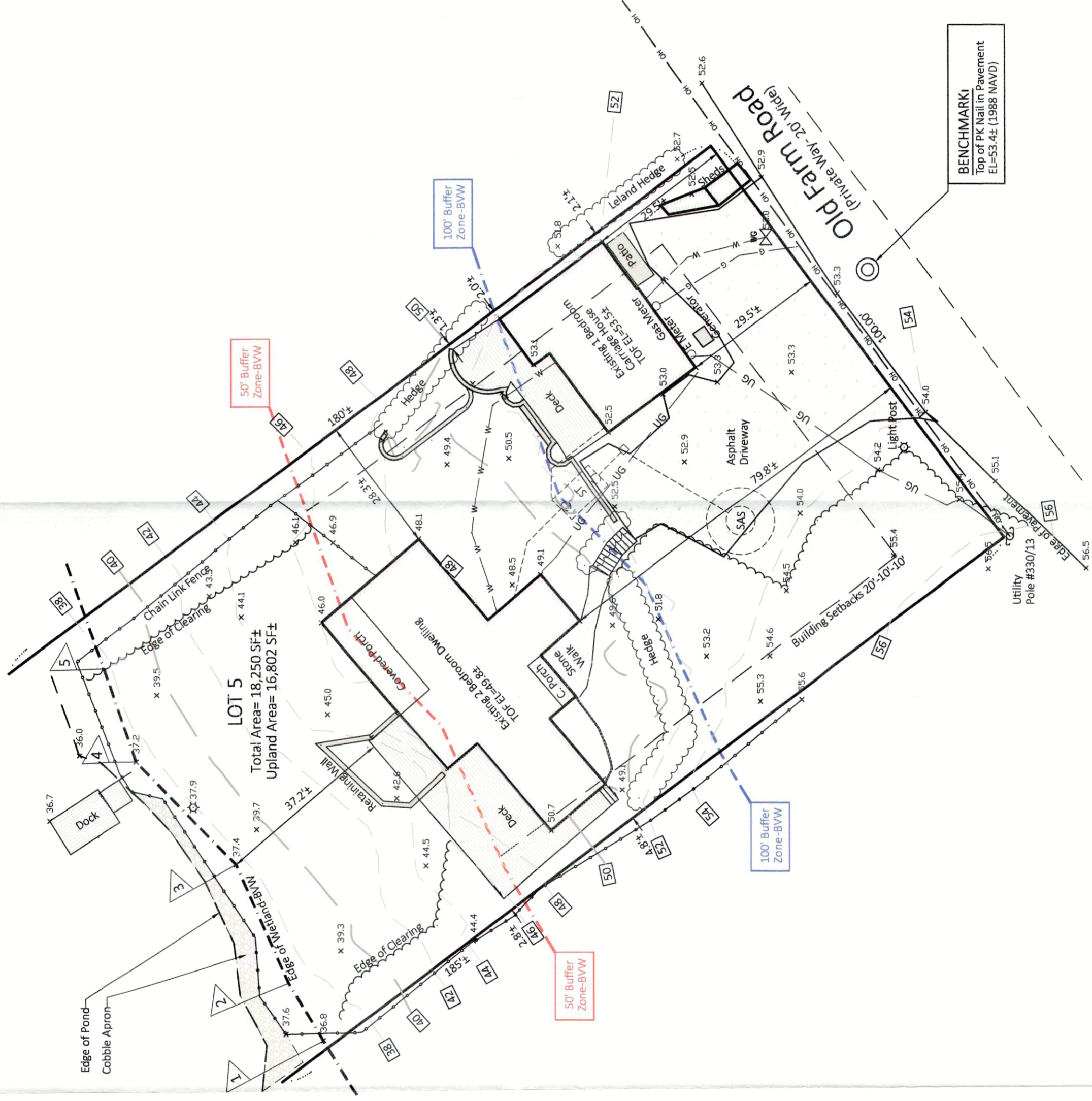
#	R.O.	TYPE	REMARKS
A	6'-8" x 8'-0"	4 PANEL LANTERN	CUSTOMER SPEC
B	6'-10" x 3'-2"	MODERN MANSION	
C	16'-8" x 2'-8"	PULL DOWN	PRESUMING NO CASES



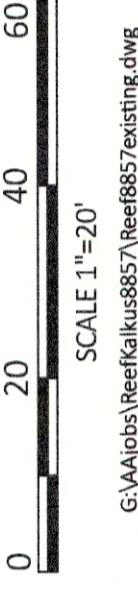
1566 HYANNIS ROAD BARNSTABLE, MA 02630		COTTAGE PLAN 79 OLD FARM LN CENTERVILLE	
sadler & associates DESIGNERS • BUILDERS COMMERCIAL • RESIDENTIAL		SCALE: 1/4" = 1'-0" DATE: 3/19/20	APPROVED BY: _____ DRAWN BY: _____
		DRAWING NUMBER R-12	

BUILDING 2

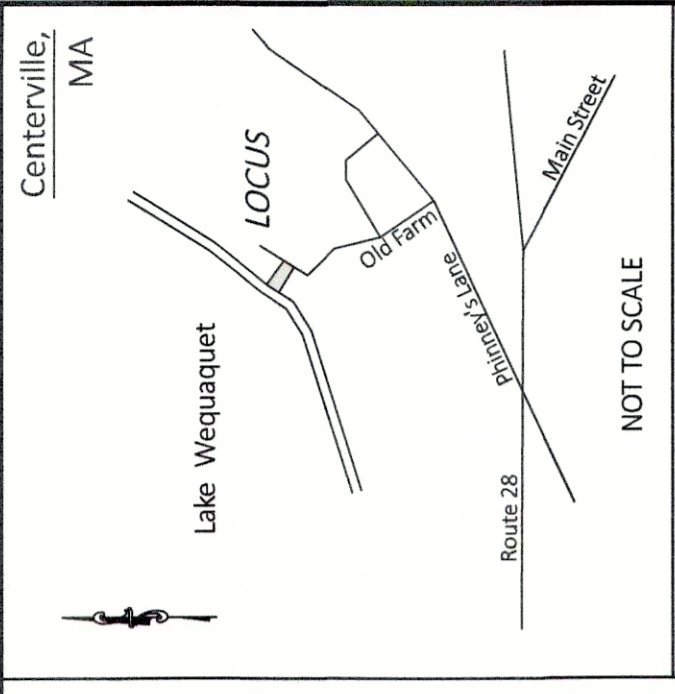
Lake Wequaquet
(A Great Pond - Water EL=36.1±, 2-24-20)



ZONING TABLE	
AP- ACQUIFER PROTECTION OVERLAY	
GP- GROUNDWATER PROTECTION OVERLAY	
RD-1- RESIDENTIAL	
REQUIREMENTS:	
LOT SIZE	43,560 SF
FRONT SETBACK	20 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	10 FEET
BUILDING HEIGHT	30 FEET
FRONTAGE	20 FEET
WIDTH	100 FEET
EXISTING BUILDING COVERAGE	
LOT AREA: Upland	16,802 SF±
BUILDING COVERAGE:	
House	1,608 SF±
Carriage House	761 SF±
TOTAL	2,369 SF±
BUILDING COVERAGE=(2,369/16,802)X100%= 14.1%	
EXISTING SITE COVERAGE	
LOT AREA: Upland	16,802 SF±
BUILDING COVERAGE:	
House	1,608 SF±
Carriage House	761 SF±
Drive/Walk/Patho/RW	2,650 SF±
TOTAL	5,019 SF±
SITE COVERAGE=(5,019/16,802)X100%= 29.9%	



G:\AJobs\Reef\Kalkus8857\Reef8857existing.dwg



PLAN BOOK 36
DEED BOOK 28598
ASSESSORS' MAP 231
PAGE 69
PAGE 76
PARCEL 26

LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED SPOT GRADE
	WATER SERVICE LINE
	OVERHEAD UTILITY SERVICE
	UNDERGROUND UTILITY SERVICE
	GAS SERVICE LINE
	TEST HOLE / BORING LOCATION
	SEPTIC TANK
	DISTRIBUTION BOX
	SOIL ABSORPTION SYSTEM
	RESERVED FOR FUTURE
	UTILITY POLE
	CATCH BASIN
	FIRE HYDRANT
	WELL
	DRAINAGE MANHOLE
	CONCRETE BOUND, FOUND
	TOP OF BANK
	LIMIT OF WORK
	FENCE
	EDGE OF CLEARING

RECEIVED
APR 06 2020
ZONING BOARD OF APPEALS

20 APR -1 P 3:20

JOHN M. O'REILLY
PROFESSIONAL LAND SURVEYOR
NO. 46739

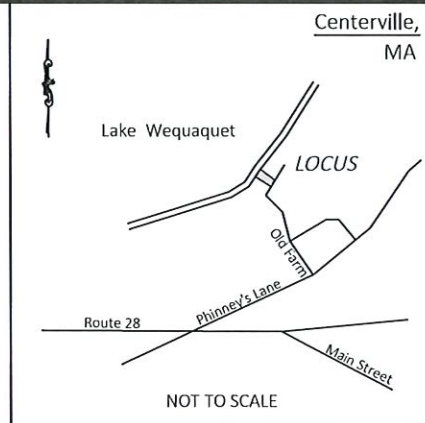
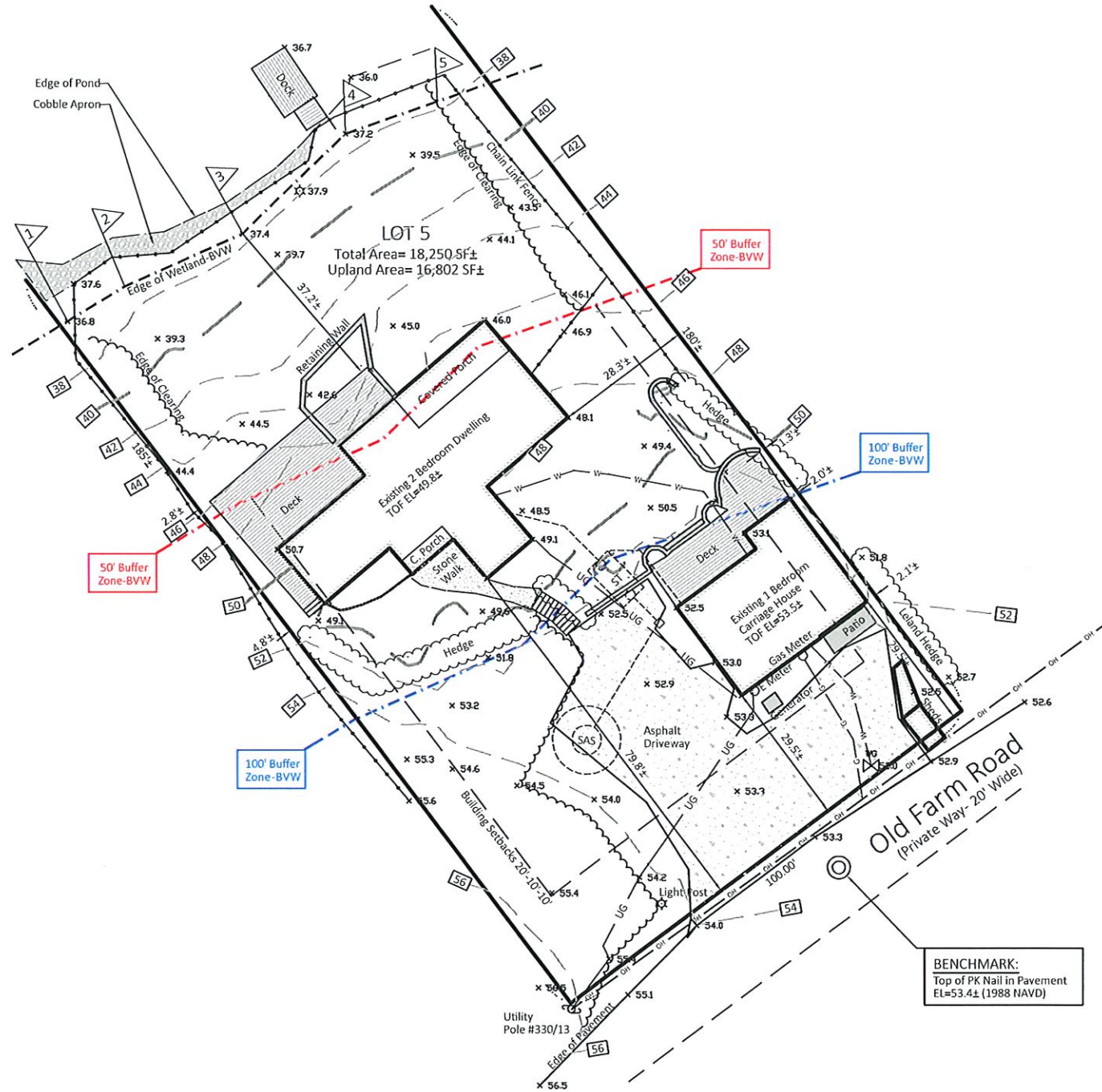
Kalkus Property
c/o Jim Hagerby, Reef, Cape Cods Home Builder, PO Box 186, wWest Dennis, MA 02670

Existing Condition Site Plan
99 Old Farm Lane, Centerville, MA

J.M. O'REILLY & ASSOCIATES, INC.
Professional Engineering & Land Surveying Services

1573 Main Street - Route 6A
P.O. Box 1773
Brewster, MA 02631 (508)896-6602 Fax
(508)896-6601 Office
DATE: 3/12/20 BY: JMO SCALE: As Noted CHECK: JMO JOB NUMBER: JMO-8857

Lake Wequaquet
(A Great Pond - Water EL=36.1±, 2-24-20)



PLAN BOOK 36 DEED BOOK 28598 ASSESSORS' MAP 231
PAGE 69 PAGE 76 PARCEL 26

LEGEND

— 52	EXISTING CONTOUR
— 32	PROPOSED CONTOUR
x 12.34	EXISTING SPOT GRADE
24x5	PROPOSED SPOT GRADE
— W —	WATER SERVICE LINE
— O —	OVERHEAD UTILITY SERVICE
— U —	UNDERGROUND UTILITY SERVICE
— G —	GAS SERVICE LINE
⊕	TEST HOLE / BORING LOCATION
ST	SEPTIC TANK
DB	DISTRIBUTION BOX
SAS	SOIL ABSORPTION SYSTEM
Reserve	RESERVED FOR FUTURE
⊕	UTILITY POLE
⊕	CATCH BASIN
⊕	FIRE HYDRANT
⊕	WELL
⊕	DRAINAGE MANHOLE
⊕	CONCRETE BOUND, FOUND
—	TOP OF BANK
—	LIMIT OF WORK
—	FENCE
—	EDGE OF CLEARING

ZONING TABLE

AP - AQUIFER PROTECTION OVERLAY	
GP - GROUNDWATER PROTECTION OVERLAY	
RD-1 - RESIDENTIAL	
REQUIREMENTS:	
LOT SIZE	43,560 SF
FRONT SETBACK	20 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	10 FEET
BUILDING HEIGHT	30 FEET
FRONTAGE	20 FEET
WIDTH	100 FEET
EXISTING BUILDING COVERAGE	
LOT AREA: Upland	16,802 SF±
BUILDING COVERAGE:	
House	1,608 SF±
Carriage House	761 SF±
TOTAL	2,369 SF±
BUILDING COVERAGE=(2,369/16,802)X100%= 14.1%	
EXISTING SITE COVERAGE	
LOT AREA: Upland	16,802 SF±
BUILDING COVERAGE:	
House	1,608 SF±
Carriage House	761 SF±
Drive/Walk/Patio/RW	2,650 SF±
TOTAL	5,019 SF±
SITE COVERAGE=(5,019/16,802)X100%= 29.9%	



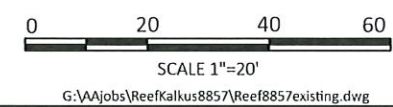
Kalkus Property
c/o Jim Hagerty, Reef, Cape Cods Home Builder, PO Box 186, wWest Dennis, MA 02670

Existing Condition Site Plan
99 Old Farm Lane, Centerville, MA

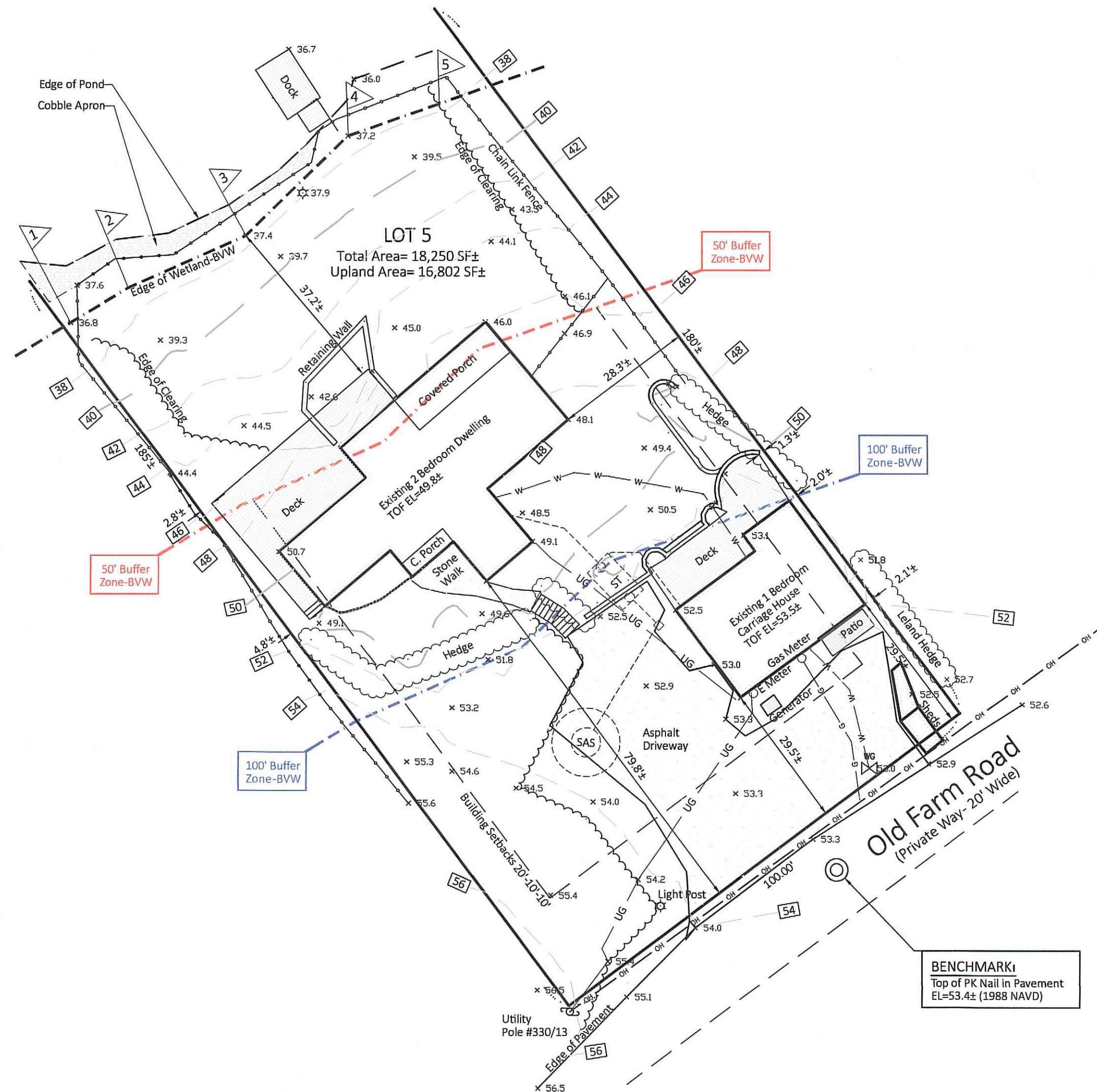
J.M. O'REILLY & ASSOCIATES, INC.
Professional Engineering & Land Surveying Services

1673 Main Street - Route 6A
P.O. Box 1773
Brewster, MA 02631 (508)896-0602 Fax

DATE:	SCALE:	BY:	CHECK:	JOB NUMBER:
3/12/20	As Noted	MTF	JMO	JMO-8857

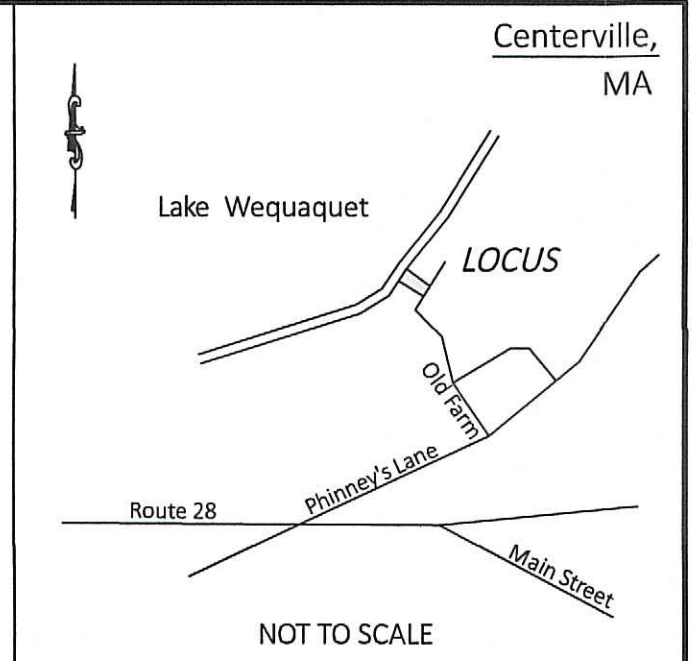


Lake Wequaquet
(A Great Pond - Water EL=36.1±, 2-24-20)



ZONING TABLE

AP- AQUIFER PROTECTION OVERLAY	
GP- GROUNDWATER PROTECTION OVERLAY	
RD-1- RESIDENTIAL	
REQUIREMENTS:	
LOT SIZE	43,560 SF
FRONT SETBACK	20 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	10 FEET
BUILDING HEIGHT	30 FEET
FRONTAGE	20 FEET
WIDTH	100 FEET
EXISTING BUILDING COVERAGE	
LOT AREA: Upland	16,802 SF±
BUILDING COVERAGE:	
House	1,608 SF±
Carriage House	761 SF±
TOTAL	2,369 SF±
BUILDING COVERAGE=(2,369/16,802)X100%= 14.1%	
EXISTING SITE COVERAGE	
LOT AREA: Upland	16,802 SF±
BUILDING COVERAGE:	
House	1,608 SF±
Carriage House	761 SF±
Drive/Walk/Patio/RW	2,650 SF±
TOTAL	5,019 SF±
SITE COVERAGE=(5,019/16,802)X100%= 29.9%	



PLAN BOOK 36
DEED BOOK 28598
ASSESSORS' MAP 231

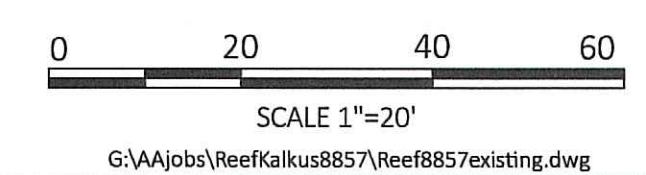
PAGE 69
PAGE 76
PARCEL 26

LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING SPOT GRADE
	PROPOSED SPOT GRADE
	WATER SERVICE LINE
	OVERHEAD UTILITY SERVICE
	UNDERGROUND UTILITY SERVICE
	GAS SERVICE LINE
	TEST HOLE / BORING LOCATION
	SEPTIC TANK
	DISTRIBUTION BOX
	SOIL ABSORPTION SYSTEM
	RESERVED FOR FUTURE
	UTILITY POLE
	CATCH BASIN
	FIRE HYDRANT
	WELL
	DRAINAGE MANHOLE
	CONCRETE BOUND, FOUND
	TOP OF BANK
	LIMIT OF WORK
	FENCE
	EDGE OF CLEARING



[Handwritten Signature]



Kalkus Property
c/o Jim Hagerty, Reef, Cape Cods Home Builder, PO Box 186, wWest Dennis, MA 02670

Existing Condition Site Plan
99 Old Farm Lane, Centerville, MA

J.M. O'REILLY & ASSOCIATES, INC.
Professional Engineering & Land Surveying Services

1573 Main Street - Route 6A
P.O. Box 1773
Brewster, MA 02631 (508)896-6602 Fax

DATE:	SCALE:	BY:	CHECK:	JOB NUMBER:
3/12/20	As Noted	MTF	JMO	JMO-8857



Town of Barnstable
 Planning and Development Department
 Elizabeth Jenkins, Director
 Staff Report

Special Permit No. 2020-020 – Kalkus
Section 240-47.1 (B) (4) – Family Apartment

To convert an existing detached accessory structure to a Family Apartment

Date: May 13, 2020
To: Zoning Board of Appeals
From: Anna Brigham, Principal Planner

Applicant: **Timothy J. and Marla J. Kalkus**
17291 Osterville Lane, Huntington Beach CA

Property Address: 99 Old Farm Road, Centerville, MA

Assessor's Map/Parcel: 231/026

Zoning: Residence D -1 (RD-1)

Filed: April 1, 2020

Hearing: May 27 2020

Decision Due: August 5, 2020

Copy of Public Notice

Timothy J. and Marcia* J. Kalkus have applied for a Special Permit pursuant to Section 240-47.1 – Family Apartments. The Applicants are proposing to convert an existing detached accessory structure into a Family Apartment. The subject property is located at 99 Old Farm Road, Centerville, MA as shown on Assessor's Map 231 as Parcel 026. It is located in the Residence D-1 (RD-1) Zoning District.

*Correction: Marla

Background

The subject property consists of a .41 acre lot with frontage on Old Farm Road overlooking Lake Wequaquet in Centerville. According to the Assessors records, the lot is currently developed with a single family dwelling consisting of 1,394 square feet of living area (3,056 gross square feet), 2 bedrooms, and constructed in 1948. There is a 440 square foot accessory structure on site constructed in 1986. The principal dwelling will not change but the Applicants are proposing to create a family apartment in the existing accessory structure. The area consists of mostly undersized lots and residential in use.

Proposal & Relief Requested

The Applicants are proposing to create a family apartment in an existing 440 square foot accessory detached structure on site. The detached family apartment requires a Special Permit pursuant to Section 240-47.1, Subsection B. The subject property is located at 99 Old Farm Road, Centerville, MA.

Section 240-47.1 B. By special permit. The Zoning Board of Appeals may allow by special permit if:

- (1) A family apartment unit greater than 50% of the square footage of the dwelling.
- (2) A family apartment unit with more than two bedrooms.
- (3) Occupancy of a family apartment unit by greater than two adult family members.
- (4) A family apartment unit within a detached structure, with a finding that the single-family nature of the property and of the accessory nature of the detached structure are preserved.

Section 240-47.1 C. Conditions and procedural requirements. Prior to the creation of a family apartment, the owner of the property shall make application for a building permit with the Building Commissioner providing any and all information deemed necessary to assure compliance with this section, including, but not limited to, scaled plans of any proposed remodeling or addition to accommodate the apartment, signed and recorded affidavits reciting the names and family relationship among the parties, and a signed family apartment accessory use restriction document.

(1) Certificate of occupancy. Prior to occupancy of the family apartment, a certificate of occupancy shall be obtained from the Building Commissioner. No certificate of occupancy shall be issued until the Building Commissioner has made a final inspection of the apartment unit and the single-family dwelling for regulatory compliance and a copy of the family apartment accessory use restriction document recorded at the Barnstable Registry of Deeds is submitted to the Building Division.

(2) Annual affidavit. Annually thereafter, a family apartment affidavit, reciting the names and family relationship among the parties and attesting that there shall be no rental of the principal dwelling or family apartment unit to any non-family members, shall be signed and submitted to the Building Division.

(3) At no time shall the single-family dwelling or the family apartment be sublet or subleased by either the owner or family member(s). The single-family dwelling and family apartment shall only be occupied by those persons listed on the recorded affidavit, which affidavit shall be amended when a change in the family member occupying either unit occurs.

(4) When the family apartment is vacated, or upon noncompliance with any condition or representation made, including but not limited to occupancy or ownership, the use as an apartment shall be terminated. All necessary permit(s) must be obtained to remove either the cooking or bathing facilities (tub or shower) from the family apartment, and the water and gas service of the utilities removed, capped and placed behind a finished wall surface; or a building permit must be obtained to incorporate the floor plan of the apartment unit back into the principal structure.

Proposed Special Permit Findings

For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings.

- 1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-47.1. B. allows a Special Permit for a Family Apartment in a detached structure.**
- 2. Site Plan Review is not required for single-family residential dwellings.**
- 3. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.**

The Board is also asked to find that:

- 4. The proposed family apartment would not be substantially more detrimental to the neighborhood than the existing dwelling.**
- 5. The single-family nature of the property and of the accessory nature of the detached structure are preserved.**

Suggested Conditions

Should the Board find to grant Special Permit No. 2020-020, it may wish to consider the following conditions:

1. Special Permit No. 2020-020 is granted to Timothy J. and Marla J. Kalkus to establish a family apartment in the existing detached accessory structure at 99 Old Farm Road, Centerville, MA.
2. The site development shall be constructed in substantial conformance with the plan entitled “Existing Conditions Site Plan” by J.M. O’Reilly and Associates, Inc. dated March 12, 2020.
3. The proposed development shall represent full build-out of the lot. Further development of the lot or construction of additional accessory structures is prohibited without prior approval from the Board.
4. The Applicant must comply with the restrictions in Section 240-47.1 Family Apartments C. Conditions and Procedural Requirements 1-4 of the Ordinance as follows:
 1. Certificate of occupancy. Prior to occupancy of the family apartment, a certificate of occupancy shall be obtained from the Building Commissioner. No certificate of occupancy shall be issued until the Building Commissioner has made a final inspection of the apartment unit and the single-family dwelling for regulatory compliance and a copy of the family apartment accessory use restriction document recorded at the Barnstable Registry of Deeds is submitted to the Building Division.
 2. Annual affidavit. Annually thereafter, a family apartment affidavit, reciting the names and family relationship among the parties and attesting that there shall be no rental of the principal dwelling or family apartment unit to any non-family members, shall be signed and submitted to the Building Division.
 3. At no time shall the single-family dwelling or the family apartment be sublet or subleased by either the owner or family member(s). The single-family dwelling and family apartment shall only be occupied by those persons listed on the recorded affidavit, which affidavit shall be amended when a change in the family member occupying either unit occurs.
 4. When the family apartment is vacated, or upon noncompliance with any condition or representation made, including but not limited to occupancy or ownership, the use as an apartment shall be terminated. All necessary permit(s) must be obtained to remove either the cooking or bathing facilities (tub or shower) from the family apartment, and the water and gas service of the utilities removed, capped and placed behind a finished wall surface; or a building permit must be obtained to incorporate the floor plan of the apartment unit back into the principal structure.
5. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be screened from neighboring homes and the public right-of-way.
6. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to the issuance of a building permit. The rights authorized by this special permit must be exercised within two years, unless extended.

Copies: Applicant (c/o Matt Teague)

Attachments: Application
Site Plan
Building plans

Assessor's Record & Aerial Photo



BARNSTABLE TOWN CLERK

20 APR 21 3:04

Town of Barnstable
Zoning Board of Appeals
Application for a Variance

Date Received
Town Clerk's Office:

For office use only:
Appeal # 2020-021
Hearing Date
Decision Due 07-30-20

The undersigned hereby applies to the Zoning Board of Appeals for a Variance, in the manner and for the reasons set forth below:

Applicant's Name: Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust, Phone: c/o Marian S. Rose, Atty 508-398-2221
Applicant's Address: 5 Beth Lee Drive, Grafton, MA 01519

Property Location: 139 Point of Pines Avenue, Centerville, MA 02632
Property Owner: Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust, Phone: c/o Marian S. Rose, Atty 508-398-2221
Address of Owner: 5 Beth Lee Drive, Grafton, MA 01519
if petitioner differs from owner, state nature of interest:

Registry of Deeds/Land Court References: Deed Book 3142, Page 37 Plan Book 104, Page 21 and Book 118, Page 69
Assessor's Map/Parcel Number: 230/073 Zoning District: RD-1
Number of Years Owned: 5 Groundwater Overlay District: RPOD

Variance Requested: Section 240-125(B)(1)(c) and 240-11(E) Bulk Regulations
Cite Section & Title of the Zoning Ordinance:

Description of Activity/Reason for Request: Petitioner seeks to remove pre-existing, nonconforming garage and replace with a smaller, less nonconforming garage, further from the lot line than existing.

Attach additional sheet if necessary

Does the property have any existing Variance or Special Permit issued to it? No Yes both
Permit #: 2015-032, 1975-70, 1956-26

¹ The Applicant's Name will be the entity to whom the variance will be issued to.
² If the Applicant differs from owner, the Applicant will be required to submit one original notarized letter from the owner authorizing the application to the Zoning Board, a copy of an executed purchase & sales agreement or lease, or other documents to prove standing and interest in the property.

Application for a Variance - Page 2

Existing Level of Development of the Property - Number of Buildings: One dwelling, one cottage, one garage (3 bldgs)

Present Use(s): Single family use

Existing Gross Floor Area: 6253 sq. ft. Proposed New Gross Floor Area: 6253 sq. ft.

Site Plan Review Number: Date Approved: (not required for Single or Two Family use)

Is the property located in a designated Historic District? Yes [] No [x]
Is this proposal subject to the jurisdiction of the Conservation Commission? Yes [x] No []
Is this proposal subject to approval by the Board of Health? Yes [] No [x]
Is the building a designated Historic Landmark? Yes [] No [x]

Have you applied for a building permit? Yes [] No [x] *
Have you been refused a building permit? Yes [] No [x]

* Contractor, Chris Wood with Patriot Builders discussed project with the Building Commissioner and was directed to the ZBA

The following Required Information, as applicable to application, must be submitted with the application at the time of filing. Failure to do so may result in a denial of your request.

- Three (3) copies of the completed application form, each with original signatures.
Three (3) copies of a "wet sealed" certified property survey (plot plan) and one (1) reduced copy (8 1/2" x 11" or 11" x 17") showing the dimensions of the land, all wetlands, water bodies, surrounding roadways and the location of the existing improvements on the land.
Three (3) copies of a proposed site improvement plan, as found approvable by the Site Plan Review Committee (if applicable), and building elevations and layout as may be required plus one (1) reduced copy (8 1/2" x 11" or 11" x 17") of each drawing. These plans must show the exact location of all proposed improvements and alterations on the land and to the structures.
The applicant may submit any additional supporting documents to assist the Board in making its determination. Twelve copies of all supporting documents must be submitted eight days prior to the public hearing for distribution to the Board Members.

Signature: By: Joan E Thaler, Trustee Date: April 21, 2020
Applicant or Representative's Signature

Print Name: by Marian S. Rose, Attorney

Address: Law Office of Singer & Singer, LLC Phone: 508-398-2221

P.O. Box 67, Dennisport, MA 02639 Fax No.: 508-398-1568

e-mail Address: msrose@singer-law.com

All correspondence on this application will be processed through the Representative named at that address and phone number provided. Except for Attorneys, if the Representative differs from the Petitioner, a letter authorizing the Representative to act on behalf of the Petitioner shall be required.

**Town of Barnstable
Zoning Board of Appeals**

Owner/Petitioner: Joan E. Thaler, Trustee of Joan E. Thaler Revocable Trust

Property: 139 Point of Pines Avenue, Centerville, MA

The Petitioner seeks a Variance in accordance with Section 240-125(B)(1) of the Barnstable Zoning Ordinance [“Zoning Ordinance”] and M.G.L. Chapter 40A, Section 10, for relief from the provisions of Section 240-11 (E) of the Zoning Ordinance, in order to remove pre-existing, nonconforming garage and replace with smaller, less nonconforming garage, further from the lot line than existing.

The existing garage was built pursuant to a 1956 variance which granted relief from the side setback minimum requirement. The Petitioner seeks relief from the setback requirement found in 240-11 requiring structures to be built outside the minimum 10-foot side setback of the RD-1 District.



**Town of Barnstable
Zoning Board of Appeals**

**Agreement to Extend Time Limits
for Holding of a Public Hearing and Filing of a Decision on a
Variance**

Date Application was Time Stamped w/Town Clerk:	4/21/2020	ZBA Appeal #:	
Original Hearing Date:	4/21/2020	Applicant:	Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust
Original Decision Due:		Address:	139 Point of Pines Avenue, Centerville
Number of Days Extended:			
New Decision Due Date:		Map/Parcel:	230/073

In the Matter of Joan E. Thaler, Trustee, (the Applicant(s) and the Zoning Applicant(s)

Board of Appeals, pursuant to Mass. General Laws, Chapter 40A, Section 15, agree to extend the required time limits for holding of a public hearing and filing of a decision on this application for a Variance for a period of _____ days beyond that date the hearing was required to be held and the decision was to be filed. This extension requires that the decision be filed 14 days after the decision is rendered by the Zoning Board of Appeals and that the decision be filed no later than _____.

In executing this Agreement, the Applicant(s) hereto specifically waive any claim for a constructive grant of relief based upon time limits applicable prior to the execution of this Agreement.

Applicant(s):

Zoning Board of Appeals

Joan E. Thaler, Trustee

Signature: By: [Signature]
Applicant(s) or Applicant's Representative

Signature: _____
Chairman or Acting Chairman

Date: April 21, 2020

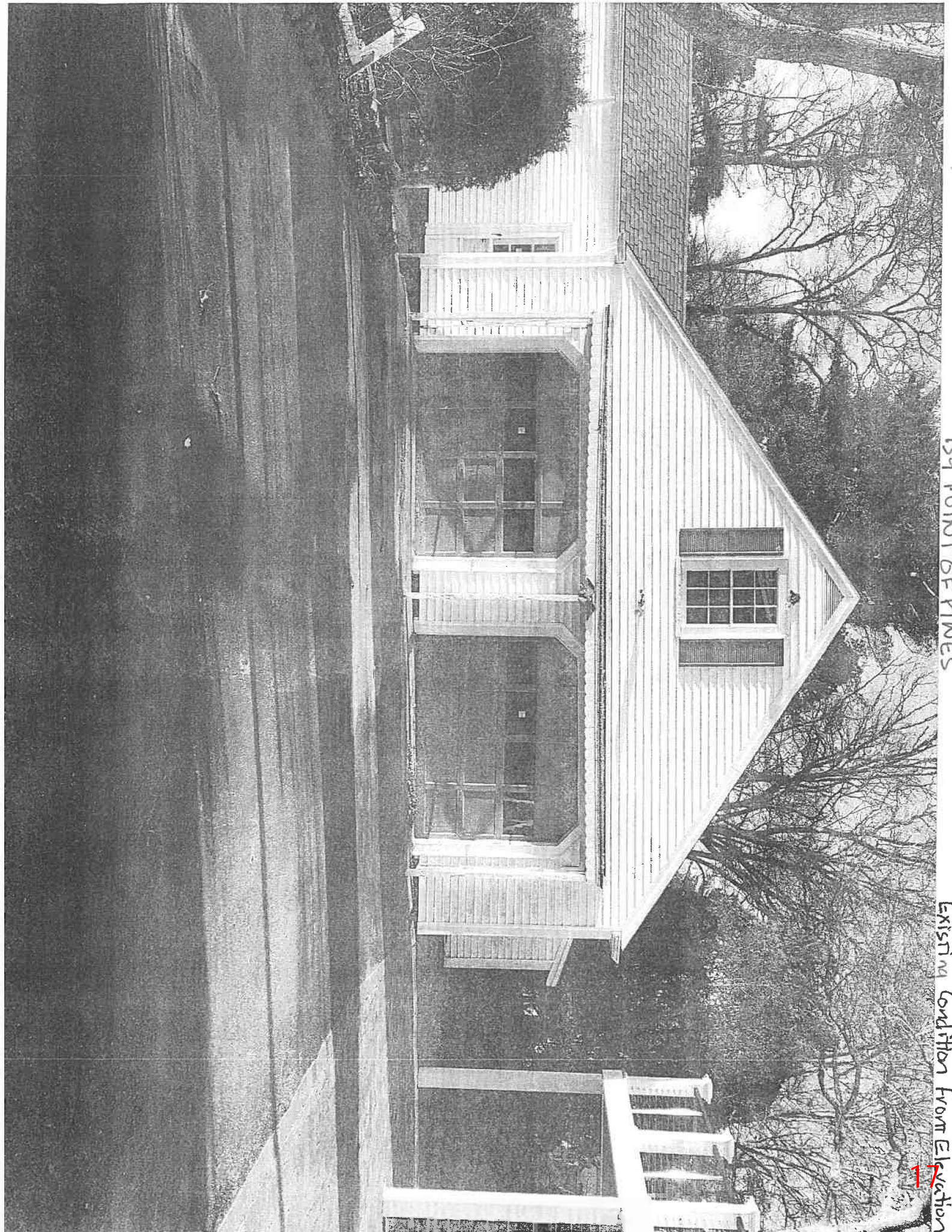
Date: _____

Zoning Board of Appeals
Growth Management Department
200 Main Street, Hyannis, MA 02601
Phone: 508-862-4785 Fax: 508-862-4784

cc Town Clerk
Applicant(s)
File

139 POINT OF PINES

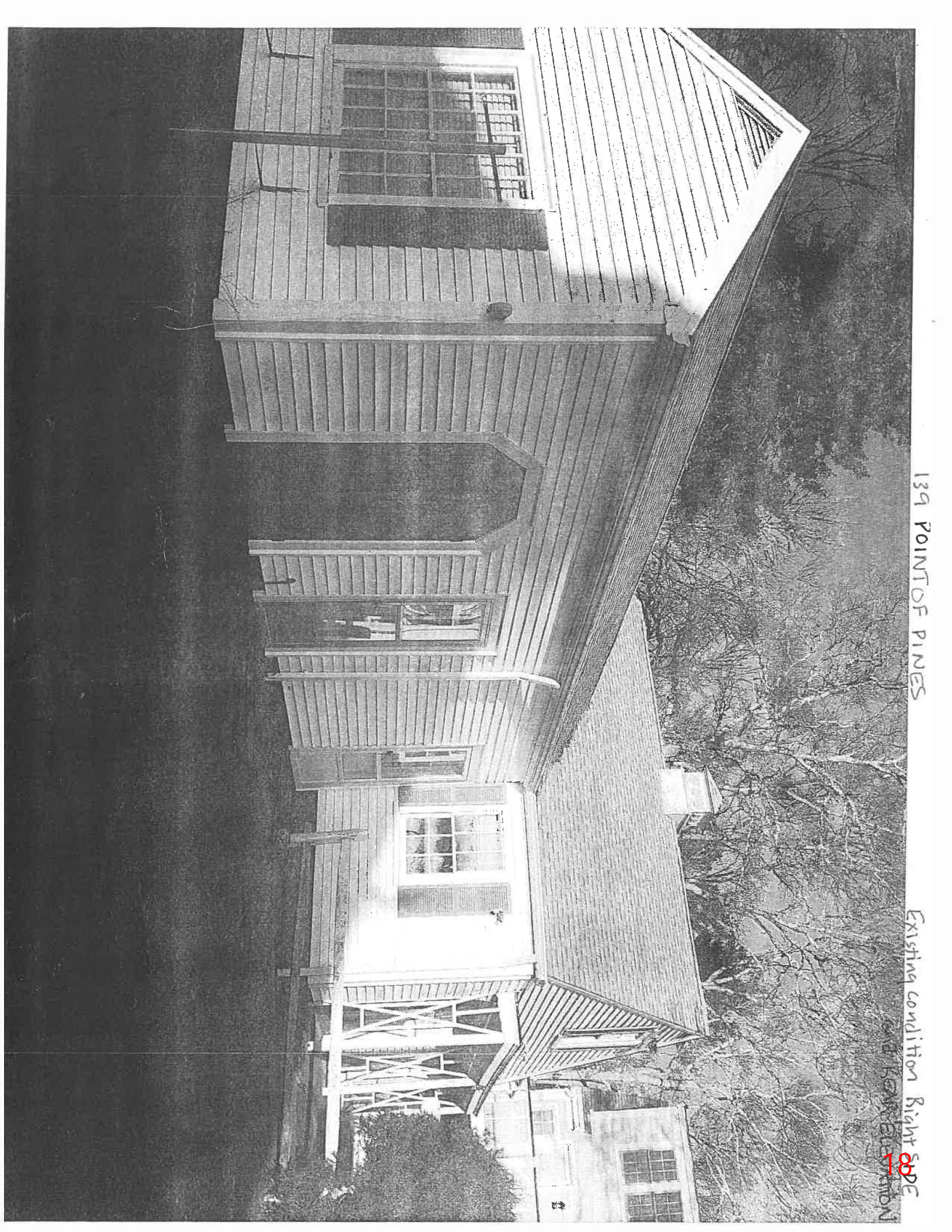
Existing Condition From Elevation



139 POINT OF PINES

Existing condition Right side

© Kean Blue Mountain



139 Point of Pines

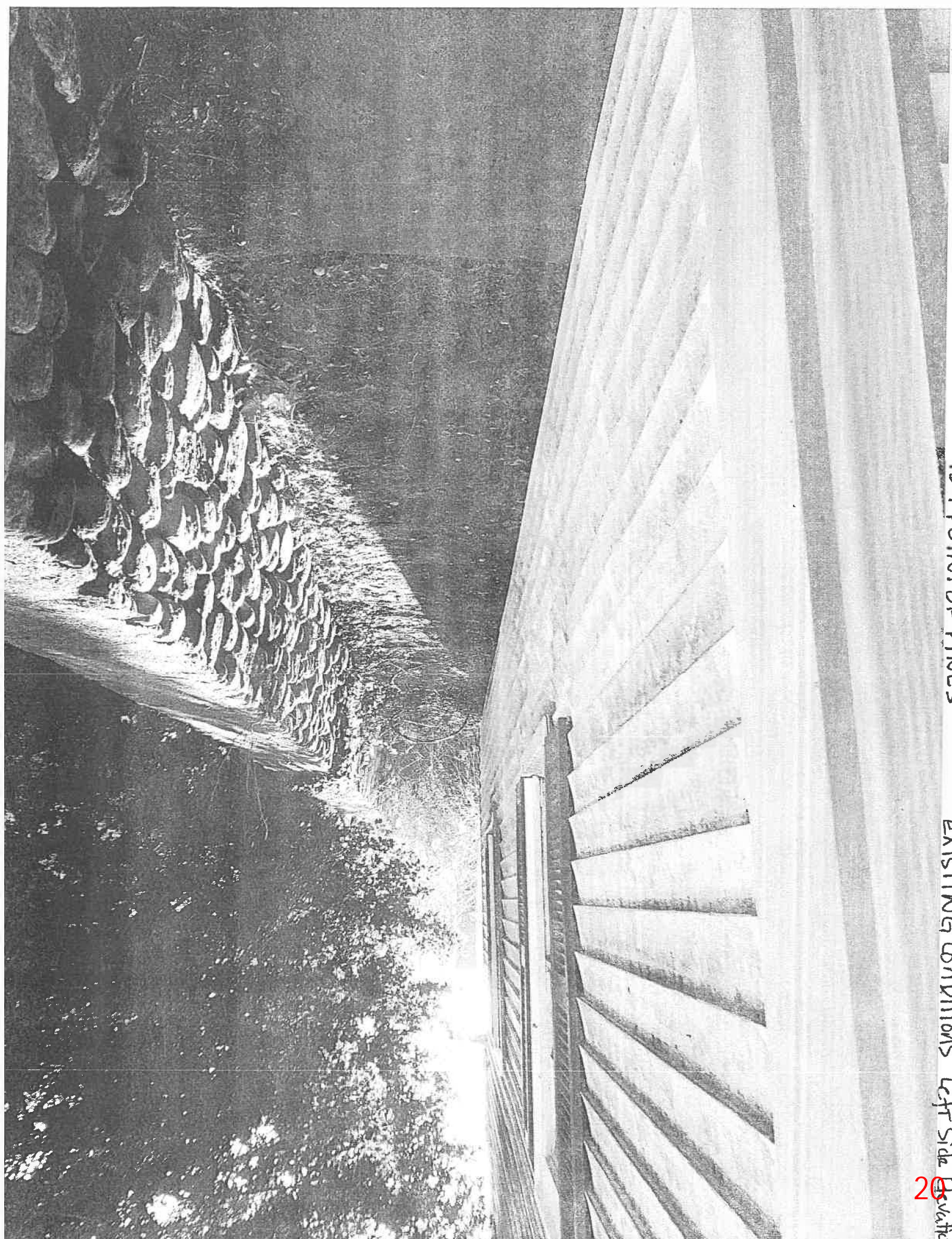


Existing Condition Left Rear Elevation

16

139 POINT OF PINES

EXISTING CONDITIONS Left Side ~~Exterior~~



QUITCLAIM DEED

Joan E. Thaler f/k/a Joan E. Zimmer, being unmarried, with a mailing address of 5 Beth Lee Drive, Grafton, Massachusetts 01519

for Nominal Consideration,

Grants to Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust u/d/t dated July 30, 2018, with a Trustee's Certificate pursuant to M.G.L.C. 184, §35 recorded with the Barnstable Registry of Deeds herewith, with a mailing address of 5 Beth Lee Drive, Grafton, Massachusetts 01519,

with QUITCLAIM COVENANTS,

the land together with the buildings thereon, situated in Barnstable known as Centerville, located at Wequaquet Lake, Barnstable County, Massachusetts, described as follows:

- Northwesterly by Point of Pines Avenue, one hundred (100) feet;
- Northeasterly by land now or formerly of Melancy C. White, two hundred forty-six (246) feet, more or less;
- Southeasterly by Wequaquet Lake, one hundred (100) feet, more or less;
- Southwesterly by land of Melancy C. White, about two hundred forty-two (242) feet.

The above described premises are shown on plan entitled "Plan of Land in Centerville, Barnstable, Mass." surveyed for John Collins, dated May 16, 1952, recorded with the Barnstable Registry of Deeds in Plan Book 104, Page 21.

Said premises are conveyed subject to and with the benefit of any and all rights, rights of way, easements, reservations and other conditions of record insofar as the same may be in force and applicable.

Being the same premises conveyed to the Grantor by the deed recorded with the Barnstable Registry of Deeds in Book 28517, Page 261.

Property Address: 139 Point of Pines Avenue, Centerville, MA 02632

Executed as a sealed instrument under the pains and penalties of perjury this 30th day of July, 2018.

Joan E. Thaler
Joan E. Thaler
f/k/a Joan E. Zimmer

Commonwealth of Massachusetts

BARNSTABLE, ss.

On this 30th day of July, 2018, before me, the undersigned Notary Public, personally appeared Joan E. Thaler, f/k/a Joan E. Zimmer, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

William F. Riley
Notary Public

My Commission Expires: 5-11-23





Town of Barnstable
Zoning Board of Appeals
Decision and Notice

BARNSTABLE TOWN CLERK

Special Permit No. 2015-032- Zimmer

§ 240-94(B) – Expansion of a Preexisting Nonconforming Use

To expand a dwelling where there are two dwellings on one lot

Summary: **Granted with Conditions**
Petitioner: Joan Zimmer
5 Beth Lee Drive, Grafton, MA 01519
Property Address: 139 Point of Pines Avenue, Centerville
Assessor's Map/Parcel: 230/073
Zoning: Residence D-1 District, Resource Protection Overlay District
Hearing Date: June 10, 2015
Recording Information: **Deed:** Book 28517 Page 261
Plan: Book 104 Page 21

Background

In Appeal No. 2015-032, Joan Zimmer sought to expand a dwelling where there were two single-family dwellings on one lot. The proposal included improvements to the dwelling nearest the street, including an approximately 140 square foot entryway addition and reconstruction of the rear deck, including reconfigured access. Section 240-7(F) states that in residential districts, only one principal permitted building shall be located on a single lot. Relief is requested to allow the expansion of a dwelling where there are multiple single-family residential dwellings on the property.

The subject property was a .56 acre lot on Wequaquet Lake with frontage on Point of Pines Avenue and Juniper Road. The property was improved with two single-family dwellings built in 1953. There was also a detached garage/shed and an accessory ramp and landing.

There are two prior ZBA decisions on file for the property:

- 1956-26:** A variance to allow for the construction of a two-car garage and shed within three feet of the sideline.
- 1975-70:** A Special Permit for an expansion of a preexisting nonconforming use to allow the expansion of the house nearest to the water.

Procedural & Hearing Summary

Special Permit No. 2015-032 allowing an expansion of a preexisting nonconforming use was filed at the Town Clerk's office and office of the Zoning Board of Appeals on May 20, 2015. A public hearing before the Zoning Board of Appeals was duly advertised and notice sent to all abutters and interested parties in accordance with MGL Chapter 40A. The hearing was opened on June 10, 2015 at which time the Board found to grant the special permit subject to conditions. Board Members deciding this appeal were Brian Florence, Alex M. Rodolakis, George T. Zevitas, David A. Hirsch, and Herbert K. Bodensiek.

Attorney James Norcross represented the Petitioner before the Board. Attorney Norcross presented the request to renovate the existing structure nearest to the road and reviewed the proposed expansions. He presented the findings required by 240-94(B) for grant of a special permit, stating that the project would be an improvement to the house, property and neighborhood. The Board Chair requested public comment and no one spoke.

Town of Barnstable Zoning Board of Appeals – Decision and Notice
Special Permit No. 2015-032 – Zimmer

Findings of Fact

At the hearing on June 10, 2015, the Board unanimously made the following findings of fact for Appeal No. 2015-032, a request for a special permit filed by Joan Zimmer to expand a preexisting nonconforming use on a lot with multiple single-family residential uses:

1. Joan Zimmer petitioned for a Special Permit pursuant to §240-94(B) Expansion of a Preexisting Nonconforming Use, where there are two single-family dwellings on a single lot. The petitioner seeks to expand the dwelling nearest to the road with the construction of an entryway addition, a small addition to the kitchen and reconfigured access to the rear deck.
2. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-94(B) allows for the expansion a preexisting nonconforming use with a Special Permit. The multiple single-family dwellings on the lot predate the adoption of the applicable zoning.
3. Site Plan Review is not required for single-family residential uses.
4. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected. The proposed renovations and expansions represent an improvement to the property and the neighborhood.
5. The expansion will conform to all setback requirements of the RD-1 District.
6. The proposed use and expansion is located on a lot shown in Plan Book 104 on Page 21; the lot was created in 1952 and has not been modified since the development of the nonconforming dwellings on the property in 1953.
7. There is no new use of the property proposed, but an expansion of an existing residential dwelling within the boundaries of the residential zoning district.
8. The expansion of the preexisting nonconforming use will be no more detrimental to the neighborhood than the use as it exists today. The number of bedrooms or intensity of use of the dwelling will not be increased as a result of the proposed expansion.

The vote to accept the findings was:

AYE: Brian Florence, Alex M. Rodolakis, George Zevitas, David A. Hirsch, Herbert K. Bodensiek

NAY: None

Decision

Based on the findings of fact, a motion was duly made and seconded to grant Special Permit No. 2015-032 subject to the following conditions:

1. Special Permit No. 2015-032 is granted Joan Zimmer to allow the expansion of a preexisting nonconforming use at 139 Point of Pines Avenue in Centerville to construct an addition to the dwelling closest to the road.
2. The expansion shall be in substantial conformance with the site plan entitled "Proposed Site Plan – 139 Point of Pines, Centerville, Ma" dated March 31, 2015 drawn by JM O'Reilly & Associates, Inc. and the elevations and floor plans entitled "Proposed elevations/proposed plans: Zimmer Residence" dated April 9, 2015, drawn by Skyline Design.
3. This decision shall be recorded at the Barnstable County Registry of Deeds and copies filed with the Zoning Board of Appeals and Building Division. The rights authorized by this special permit must be exercised within two years, unless extended.

The vote was:

AYE: Brian Florence, Alex M. Rodolakis, George Zevitas, David A. Hirsch, Herbert K. Bodensiek

NAY: None

Town of Barnstable Zoning Board of Appeals – Decision and Notice
Special Permit No. 2015-032 –Zimmer

Ordered

Special Permit No. 2015-032 allowing for expansion of a dwelling where there are multiple single-family dwellings on one lot at 139 Point of Pines Avenue, Centerville has been granted subject to conditions. This decision must be recorded at the Barnstable Registry of Deeds for it to be in effect and notice of that recording submitted to the Zoning Board of Appeals Office. The relief authorized by this decision must be exercised within two years unless extended. Appeals of this decision, if any, shall be made pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision, a copy of which must be filed in the office of the Barnstable Town Clerk.



Brian Florence, Chair

6/22/15

Date Signed

I, Ann Quirk, Clerk of the Town of Barnstable, Barnstable County, Massachusetts, hereby certify that twenty (20) days have elapsed since the Zoning Board of Appeals filed this decision and that no appeal of the decision has been filed in the office of the Town Clerk.

Signed and sealed this 13th day of July 2015 under the pains and penalties of perjury.



Ann Quirk, Town Clerk





Office: 508-862-4022
FAX: 508-862-4722

Town of Barnstable

Assessing Division

367 Main Street, Hyannis MA 02601

www.town.barnstable.ma.us

Jeffery A. Rudziak, MAA
Director of Assessing

ABUTTERS LIST CERTIFICATION

May 21, 2015.

RE: Adjacent Abutters List
For Parcel(s): 230-073
139 Point of Pines Avenue
Centerville, MA. 02632

As requested, I hereby certify the names and addresses as submitted on the attached sheet(s) as required under Chapter 40A, Section 11 of the Massachusetts General Laws for the above referenced parcels as they appear on the most recent tax list with mailing addresses supplied.

William J. Banoff

Andy Mitchell

J. Wang

Board of Assessors
Town of Barnstable

Zoning Board of Appeals (ZBA) Abutter List for Map & Parcel(s): '230073'

Parties of interest are those directly opposite subject lot on any public or private street or way and abutters to abutters. Notification of all properties within 300 feet ring of the subject lot.

Total Count: 23



Map & Parcel	Owner1	Owner2	Address1	Address 2	Mailing CityStateZip	Country De
230041	MCAULIFFE, MATTHEW L & ELLEN M &	FOWLER, JAMES A JR & GERALDINE A	91 JUNIPER RD		CENTERVILLE, MA 02632	28:
230042	BLACK, CHRISTOPHER & PATRICIA J		148 RIVERSIDE DR		NORWELL, MA 02061	18:
230055	WEINTRAUB, AARON G & DOROTHY N		250 HAMMOND POND PKWY, 1015 50		CHESTNUT HILL, MA 02467	10:
230056	BATTINELLI, NANCY J		35 SATUIT MEADOW LN		NORWELL, MA 02061-1455	15:
230057	ANDERSON, MARY E & ADLER, SUZANNE E TRS	MARY E ANDERSON TRUST	127 POINT OF PINES AVENUE		CENTERVILLE, MA 02632	25:
230059	LOUNSBERY, A BRUCE & FARWELL, WAYNE L TRS	100 POINT OF PINES NOMINEE TRUST	110 POINT OF PINES AVENUE		CENTERVILLE, MA 02632	28:
230060	LOUNSBERY, A BRUCE & FARWELL, WAYNE L TRS	100 POINT OF PINES NOMINEE TRUST	110 POINT OF PINES AVENUE		CENTERVILLE, MA 02632	28:
230062	MENEGAY, KARIN K & L ARMAND III TRS	KARIN K MENEGAY REV TRUST	120 HAMPSHIRE ROAD		WELLESLEY, MA 02481	25:
230063	MURPHY, CHARLES J TR	CHARLES J MURPHY REVOC TRUST	11 ASPEN ROAD		NORTH READING, MA 01864	27:
230064	BRAUNSTEIN, S NATALIE		6 BRIGGS POND WAY		SHARON, MA 02067	28:
230065	ADAMS, ZELLA S & MATHEW		203 NORTH BEECHWOOD AVE		BALTIMORE, MD 21228	19:
230066	FRISHMAN, MICHAEL A & KAY BERTHOLD		21 STRATFORD ROAD		ANDOVER, MA 01810	28:
230067	GUTNER, JAMIE B & BRENNER, R & DELUCA, R		6 HASTING'S SQUARE		CAMBRIDGE, MA 02139-4725	27:
230068	DANZIGER, ROBERT & ATLANTIC TRUST CON A	GABRIELLE BERMAN ELITOV IRRE TR 07	ATTN: KIM DWYER	100 FEDERAL STREET	BOSTON, MA 02110-1802	25:
230069	BERMAN, ROGER L & ANNE BAILEY TRS	POP NOMINEE TRUST	21 WORMWOOD ST #415		BOSTON, MA 02210	22:
230070	FRANKLIN, LISA E		167 POINT OF PINES AVENUE		CENTERVILLE, MA 02632	23:
230071	CONNOLLY, LAUREN A		153 POINT OF PINES AVENUE		CENTERVILLE, MA 02632	25:
230072	KENT, PETER E & KERRY M		48 TROWBRIDGE LANE		SHREWSBURY, MA 01545	27:
					GRAFTON, MA	

230073	ZIMMER, JOAN E		5 BETH LEE DRIVE	01519	285
230074	PINKOFSKY, ALYN		3 NORTHWOOD LN	WAYLAND, MA 01778	115
230075	GROSS, PETER & MCCRAY, MELISSA GROSSTRS	2 LAKE DRIVE REALTY TRUST	76 WASHINGTON DRIVE	SUDBURY, MA 01776	267
230076	PIERCE, MARTHA E TR	4 LAKE DRIVE REALTY TRUST	19 GARDEN STREET	BOSTON, MA 02114	260
230077	WEQUAQUET ESTATES BEACH ASSOCIATION	C/O DEBORAH FOWLER	91 JUNIPER ROAD	CENTERVILLE, MA 02632	126

This list by itself does NOT constitute a certified list of abutters and is provided only as an aid to the determination of abutters. If a certified list of abutters is required, contact the Assessing Division to have this list certified. The owner and address data on this list is from the Town of Barnstable Assessor's database as of 5/19/2015.

LEGAL NOTICE

**TOWN OF BARNSTABLE
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARINGS UNDER THE ZONING
ORDINANCE
JUNE 10, 2015**

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, June 10, 2015 at the time indicated:

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.

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.

7:02 PM Appeal No. 2015-032 Zimmer
Joan Zimmer has petitioned for a Special Permit pursuant to §240-94(B) Expansion of a Preexisting Nonconforming Use, where there are two single-family dwellings on a single lot. The petitioner seeks to expand one dwelling via the construction of an entryway addition and reconfigured access to the rear deck. The property is located at 139 Point of Pines Avenue, Centerville, MA as shown on Assessor's Map 230 as Parcel 073. It is located in the Residence D-1 Zoning District. These public hearings will be held at the Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room located on the 2nd Floor, Wednesday, June 10, 2015. Plans and applications may be reviewed at the Zoning Board of Appeals Office, Growth Management Department, Town Offices, 200 Main Street, Hyannis, MA.

Brian Florence, Acting Chair
Zoning Board of Appeals
The Barnstable Patriot
May 22 and May 29, 2015

LEGAL NOTICE

**TOWN OF BARNSTABLE
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARINGS UNDER THE ZONING
ORDINANCE
JUNE 10, 2015**

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, June 10, 2015 at the time indicated:

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.

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.

7:02 PM Appeal No. 2015-032 Zimmer
Joan Zimmer has petitioned for a Special Permit pursuant to §240-94(B) Expansion of a Preexisting Nonconforming Use, where there are two single-family dwellings on a single lot. The petitioner seeks to expand one dwelling via the construction of an entryway addition and reconfigured access to the rear deck. The property is located at 139 Point of Pines Avenue, Centerville, MA as shown on Assessor's Map 230 as Parcel 073. It is located in the Residence D-1 Zoning District.

These public hearings will be held at the Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room located on the 2nd Floor, Wednesday, June 10, 2015. Plans and applications may be reviewed at the Zoning Board of Appeals Office, Growth Management Department, Town Offices, 200 Main Street, Hyannis, MA.

Brian Florence, Acting Chair
Zoning Board of Appeals
The Barnstable Patriot
May 22 and May 29, 2015

26799

BOARD OF APPEALS

December 5, 1975

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit
(General Laws Chapter 40A, Section 1B as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To Waldo W. Sears
Owner or Petitioner
Address 139 Point of Pines Avenue
City or Town Centerville, MA 02632
Map # 230 Lot # 73 in Assessors Records - house lot with two dwellings
Identify Land Affected

by the Town of Barnstable, Board of Appeals affecting the rights of the owner with respect to the use of premises on 139 Point of Pines Avenue Centerville
Street City or Town
the record title standing in the name of

Waldo W. Sears
whose address is 139 Point of Pines Avenue Centerville Mass
Street City or Town State
by a deed duly recorded in the Barnstable County Registry of Deeds in Book 947 Page 531 Registry District of the Land Court Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Decision or Case No. 1975-70 in the office of the Town Clerk of the Town of Barnstable.

Signed this 5th day of December, 1975

Board of Appeals

Joseph Wald Jones Chairman
Board of Appeals

Board of Appeals Clerk

_____ 19 _____ at _____ o'clock and _____ minutes _____ M.
Received and entered with the Register of Deeds in the County of _____
Book _____ Page _____

ATTEST

Register of Deeds

Notice to be recorded by Petitioner

RECORDED DEC 11 75

TOWN OF BARNSTABLE

Board of Appeals

Waldo W. Sears
Petitioner

Appeal No. 1956-26

November 20, 19 56

FACTS and DECISION

Petitioner Waldo W. Sears filed petition on October 22, 19 56, requesting a variance ~~permit~~ for premises at Point of Pines Road ~~Street~~, in the village of Centerville, adjoining premises of Frank B. Rogers et al

for the purpose of a variance to allow him to construct a two-car garage (26 x 26) and tool shed (10 x 12) within three feet of a sideline.

Locus is presently zoned in Residence B-1 district

Notice of this hearing was given by mail, postage prepaid, to all persons deemed affected and by publishing in Cape Cod Standard Times, a daily newspaper published in Town of Barnstable a copy of which is attached to the record of these proceedings filed with Town Clerk.

A public hearing by the Board of Appeals of the Town of Barnstable was held at the Town Office Building, Hyannis, Mass., at 4:30 ~~XXX~~ P.M. November 15, 19 56, upon said petition under zoning by-laws.

Present at the hearing were the following members:

Joseph H. Beecher George H. Mellen, Jr. Jean MacK. Bearse
Chairman

(Mrs. Bearse was appointed alternate for Rowley J. Brockway in his absence.)

The petitioner asks for a variance to erect a garage and tool house about five feet from the sideline on the southwesterly side of his residence, the rear of which faces Wequaquet Lake. The request is based upon an alleged hardship arising from the shape and location of the lot. This consists of a high bank, on which the house is built, and the southeasterly lower portion of the lot, which is only a few feet above the level of the water. To place the garage on the upland would interfere unduly with the view of the owners of neighboring lots; to construct it well away from the sideline would interfere with the three cess-pools built to offset the drainage problem on the low land.

One neighbor and an abutter were in favor; two owners of land in Centerville, and an agent of the Civic Association, were opposed to variances of any kind.

Upon viewing the land, it appears that the proposed garage would be erected on the southwesterly part of the petitioner's lowland, inside a massive stone wall running from Point of Pine Road to the water. The shape of the lot and the drainage problem combine to give this lot a unique character; a variance appears warranted in this case on hardship grounds, without derogating from the spirit of the by-law.

At the conclusion of the hearing, the Board took said petition under advisement. A view of the locus was had by the Board.

On November 15, 1956, the Board of Appeals ~~board~~

VOTE:

To allow the construction of a garage three feet from the stone wall on the southwest portion of the lot, on the lowland.

Restrictions imposed:

The tool-shed referred to in the petition must be constructed, if at all, in accordance with the set-back requirement of the by-law.

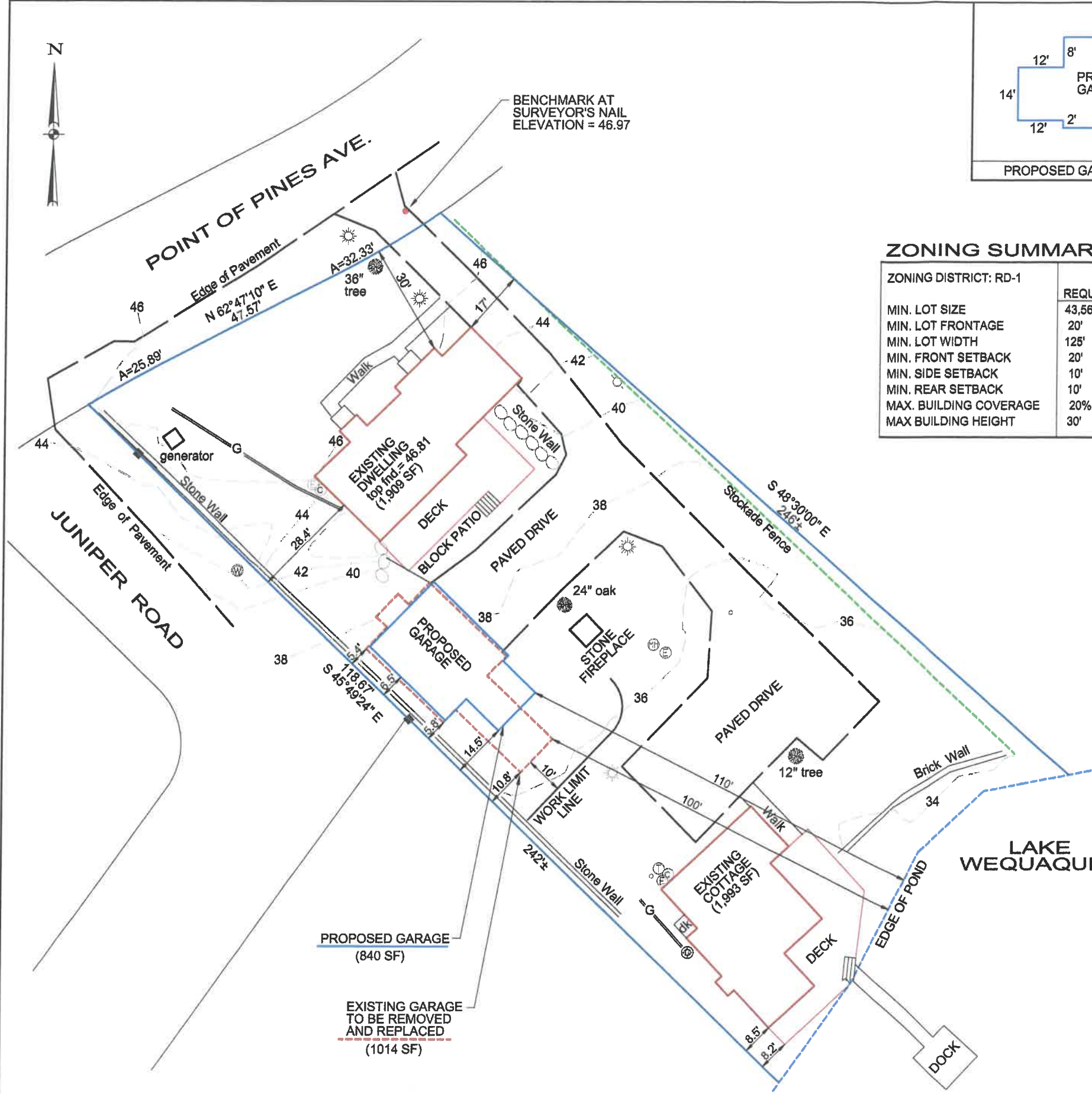
Distribution:—

Town Clerk
Applicant
Persons interested
Building Inspector
Public Information
Board of Appeals

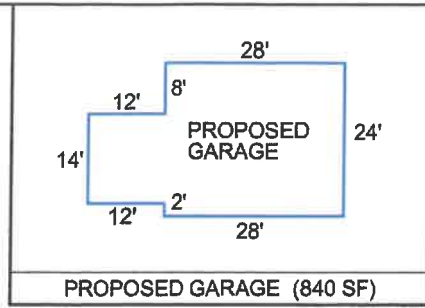
Board of Appeals

Town of Barnstable

By Joseph H. Lechner
Chairman

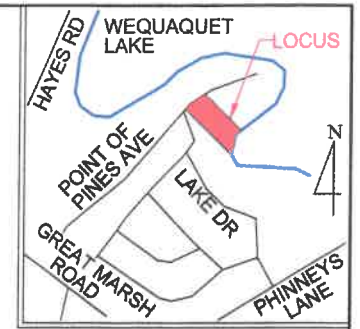


BENCHMARK AT SURVEYOR'S NAIL ELEVATION = 46.97



PROPOSED GARAGE (840 SF)

- KEY:
- EXISTING CONTOUR: - - - -
 - PROPOSED CONTOUR: - · - · - ·
 - EXISTING SPOT ELEVATION: 25.5
 - PROPOSED SPOT ELEVATION: 25.5
 - TEST HOLE: ⊕
 - UTILITY POLE: ⊖
 - FENCE LINE: —○—
 - HYDRANT: ⊕
 - RETAINING WALL: ▬▬▬



LOCATION MAP PARCEL 73 (24,540 SF)

ASSESSORS MAP: 230 PARCEL: 73
PLAN BOOK 104, PAGE 21
PLAN BOOK: 118, PAGE: 69
FLOOD ZONE: X

ZONING SUMMARY

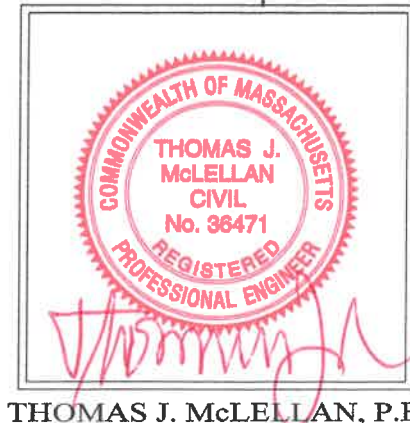
ZONING DISTRICT: RD-1	REQUIRED:	EXISTING:	PROPOSED:
MIN. LOT SIZE	43,560 SF	24,540 SF	
MIN. LOT FRONTAGE	20'	224.48'	
MIN. LOT WIDTH	125'	106'	
MIN. FRONT SETBACK	20'	5.4'	6.5'
MIN. SIDE SETBACK	10'	5.8'	6.5'
MIN. REAR SETBACK	10'		
MAX. BUILDING COVERAGE	20%	4,916 (20%)	4,742 (19.3%)
MAX BUILDING HEIGHT	30'	23'	SEE BLD. PLANS

NOTES:

1. VERTICAL DATUM: NAVD88
2. MUNICIPAL WATER IS AVAILABLE.
3. CONTRACTOR TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION.
4. FIELD SURVEY PROVIDED BY TERRY A. WARNER, P.L.S., HARWICH, MA.
5. THIS PLAN REQUIRES THE REVIEW AND APPROVAL OF ONE OR MORE TOWN DEPARTMENTS AND IS SUBJECT TO CHANGE UNTIL SUCH TIME.
6. WORK LIMIT LINE TO BE DOUBLE STAKED COIR LOGS WITH SILT FENCE. LINE TO BE SET PRIOR TO CONSTRUCTION.
7. OWNER OF RECORD:
JOAN E. THALER REVOCABLE TRUST, 5 BETH LEE DR., GRAFTON, MA.
DEED BOOK 31452, PAGE 37.

PROPOSED GARAGE (840 SF)

EXISTING GARAGE TO BE REMOVED AND REPLACED (1014 SF)



THOMAS J. McLELLAN, P.E.

SITE PLAN

LOCATION:
139 POINT OF PINES AVE., CENTERVILLE, MA

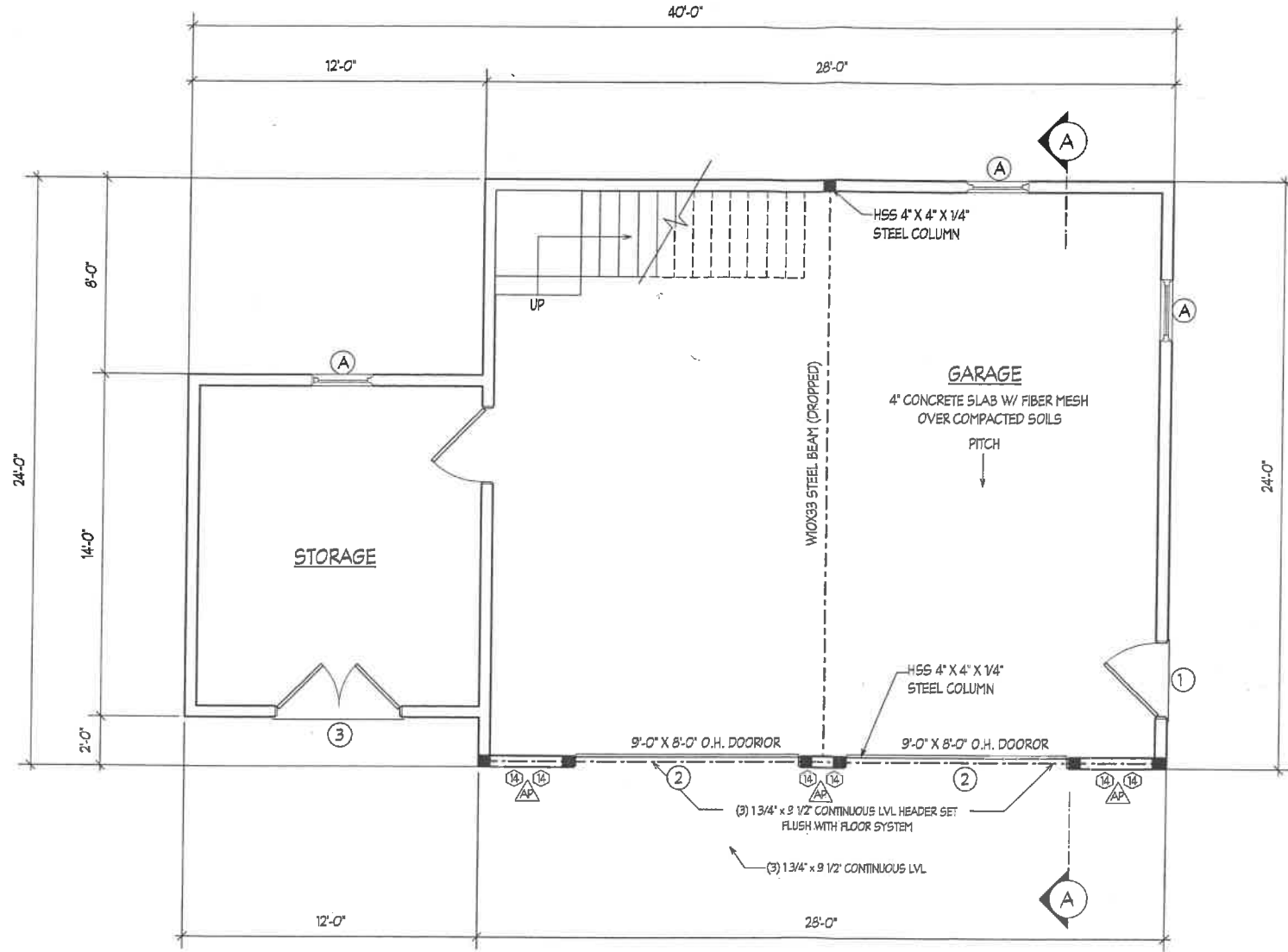
PREPARED FOR:
PATRIOT BUILDERS

DATE: 3-13-20

SCALE: 1" = 30'

BASS RIVER ENGINEERING

P.O. BOX 1163, EAST DENNIS, MA 02641
508-364-9048



FIRST FLOOR PLAN

1/4" = 1'-0"

WINDOW & DOOR SCHEDULE				
ID	UNIT	TYPE	ROUGH OPENING	BRAND
A	TW2646	DBL HUNG	2'-8 1/8" X 4'-8 7/8"	ANDERSEN 400 SERIES
1	6 LITE-1 PNL	HINGED FBGLS	3'-2 1/2" X 6'-10 1/2"	THREMA-TRU
2	OVERHEAD	TBD	9'-0" X 8'-0"	TBD
3	TBD	DOUBLE DOOR	5'-2 1/2" X 6'-10 1/2"	THREMA-TRU

PATRIOT BUILDERS, INC.

537 Route 28 - Harwich Port, MA 20646
 * Phone (508)-430-0771 * Fax (508)-432-7789

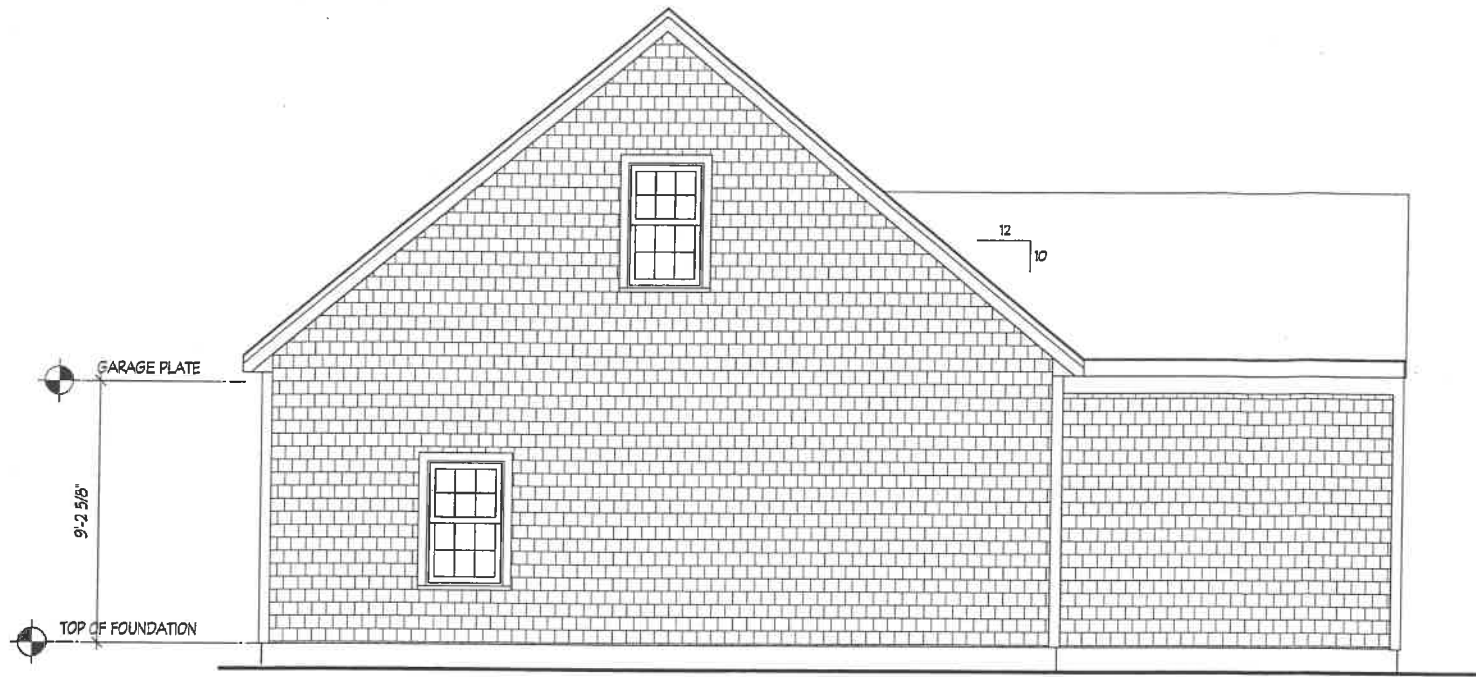
DATE: 1-09-2020

REVISIONS:

139 POINT OF PINES AVE - CENTERVILLE, MA

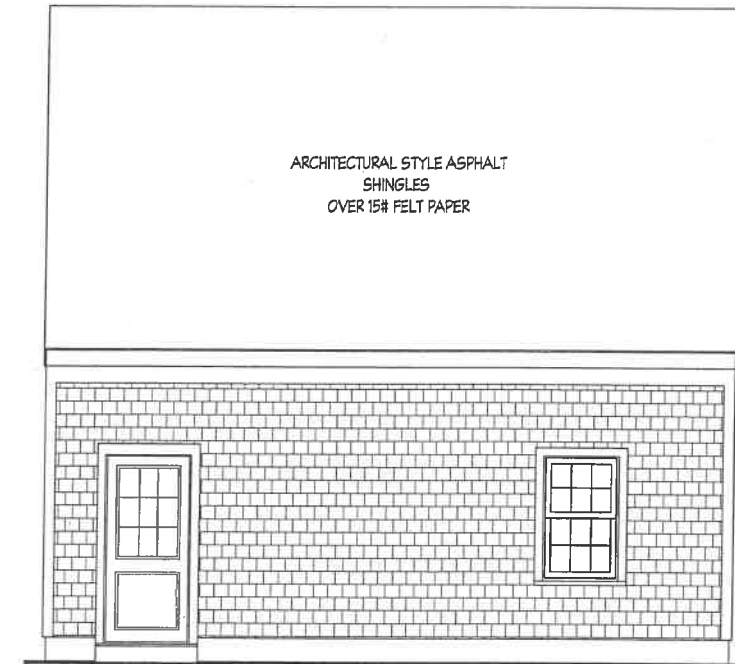
DETACHED GARAGE - FLOOR PLANS

DRAWING NO.



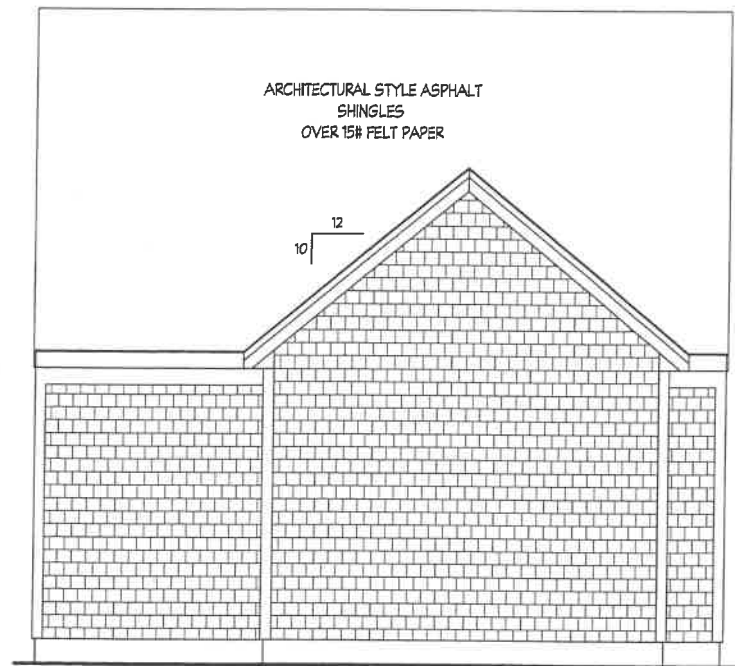
REAR ELEVATION

1/4" = 1'-0"



RIGHT SIDE ELEVATION

1/4" = 1'-0"



LEFT SIDE ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"

PATRIOT BUILDERS, INC.

537 Route 28 - Harwich Port, MA 20646
* Phone (508)-430-0771 * Fax (508)-432-7789

DATE: 1-09-2020

REVISIONS:

139 POINT OF PINES AVE - CENTERVILLE, MA

DETACHED GARAGE - ELEVATIONS

DRAWING NO.

----- Forwarded message -----

From: **Kerry Kent** <kerrymckent@gmail.com>

Date: Wed, May 13, 2020 at 4:25 PM

Subject: Garage

To: <jzllama@gmail.com>

Hi Joan,

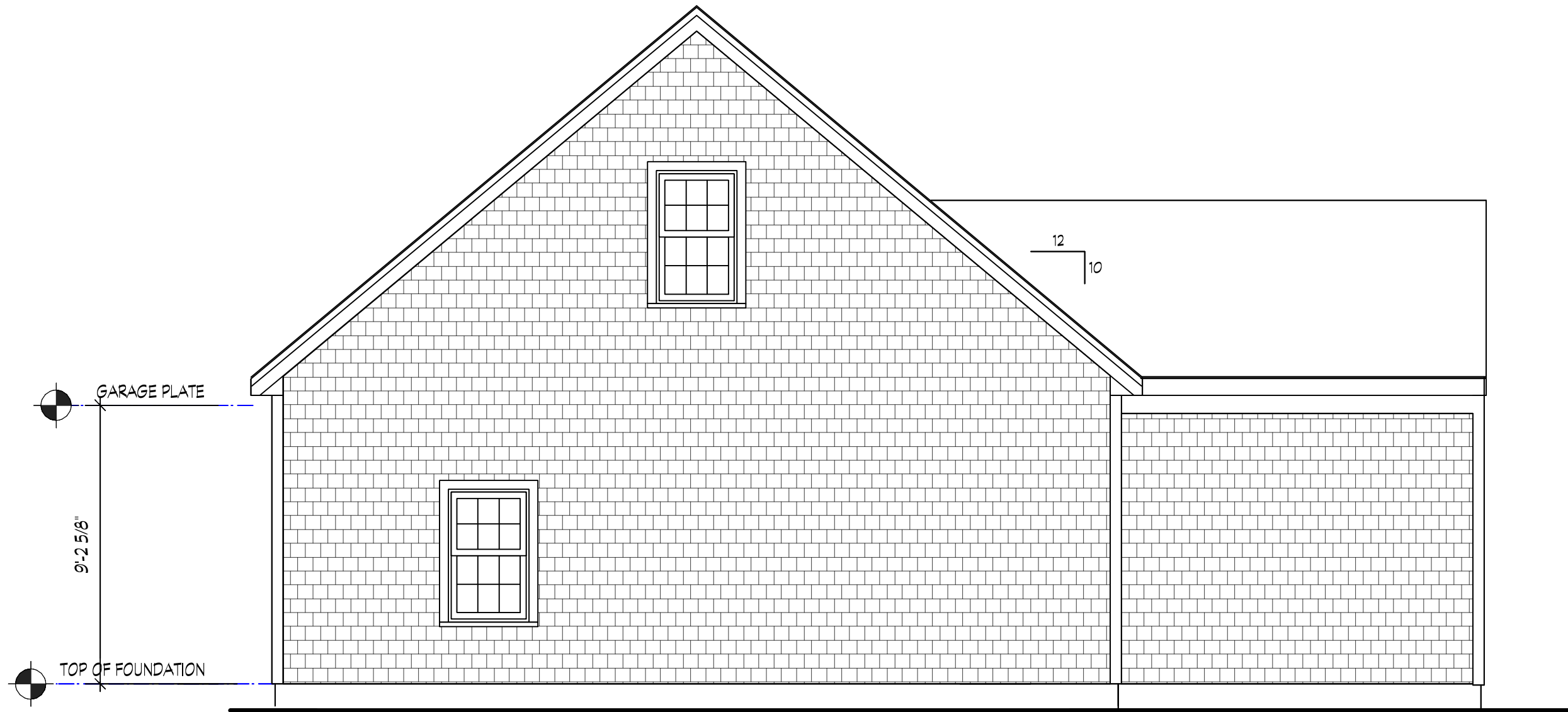
Just wanted to let you know that we have no problem with you replacing your garage. All the work that you've done on the house has been beautiful.

It will be nice when you can sit back and finally enjoy it!!

Kerry

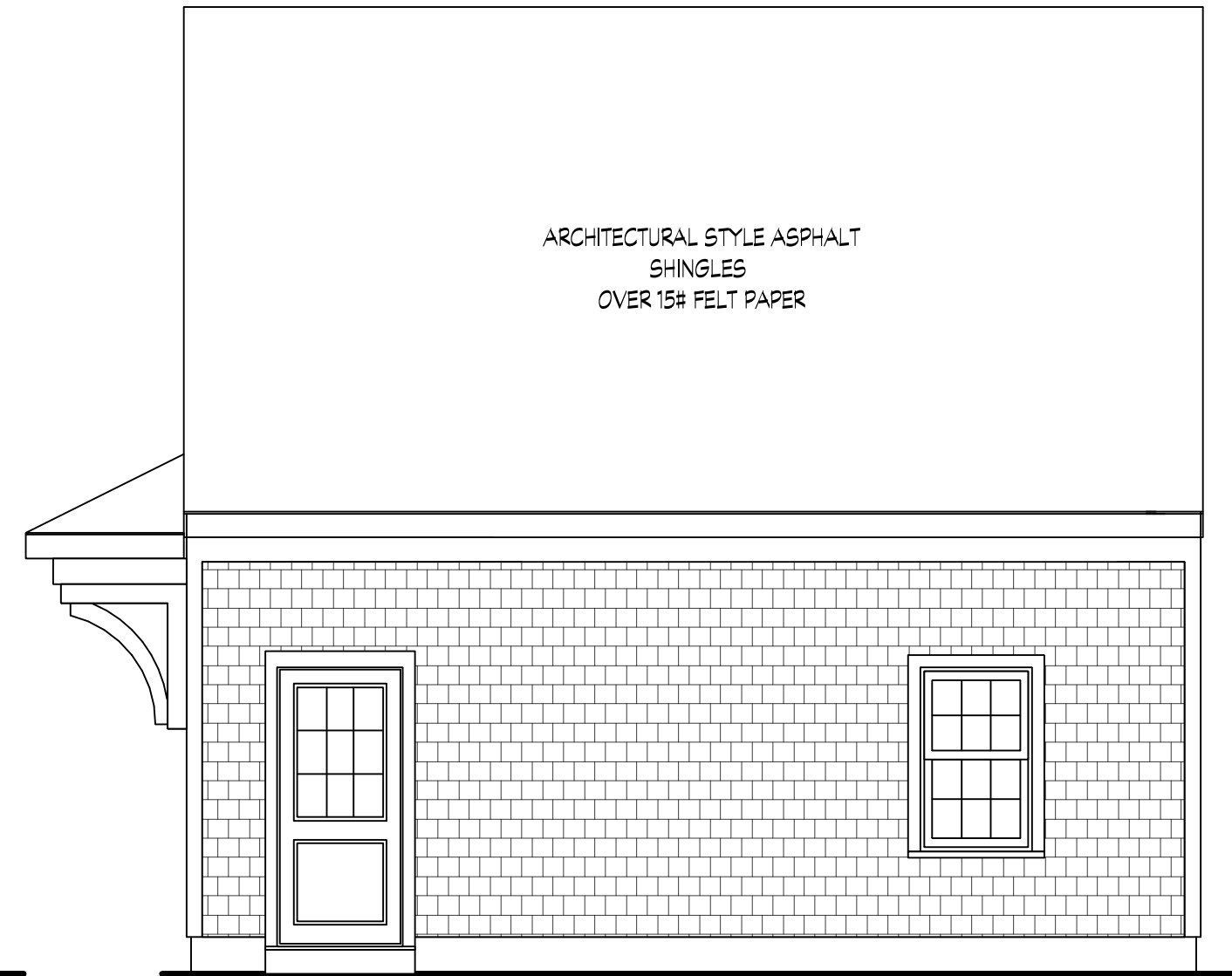
Kerry Kent
149 Point of Pines

Sent from my iPhone



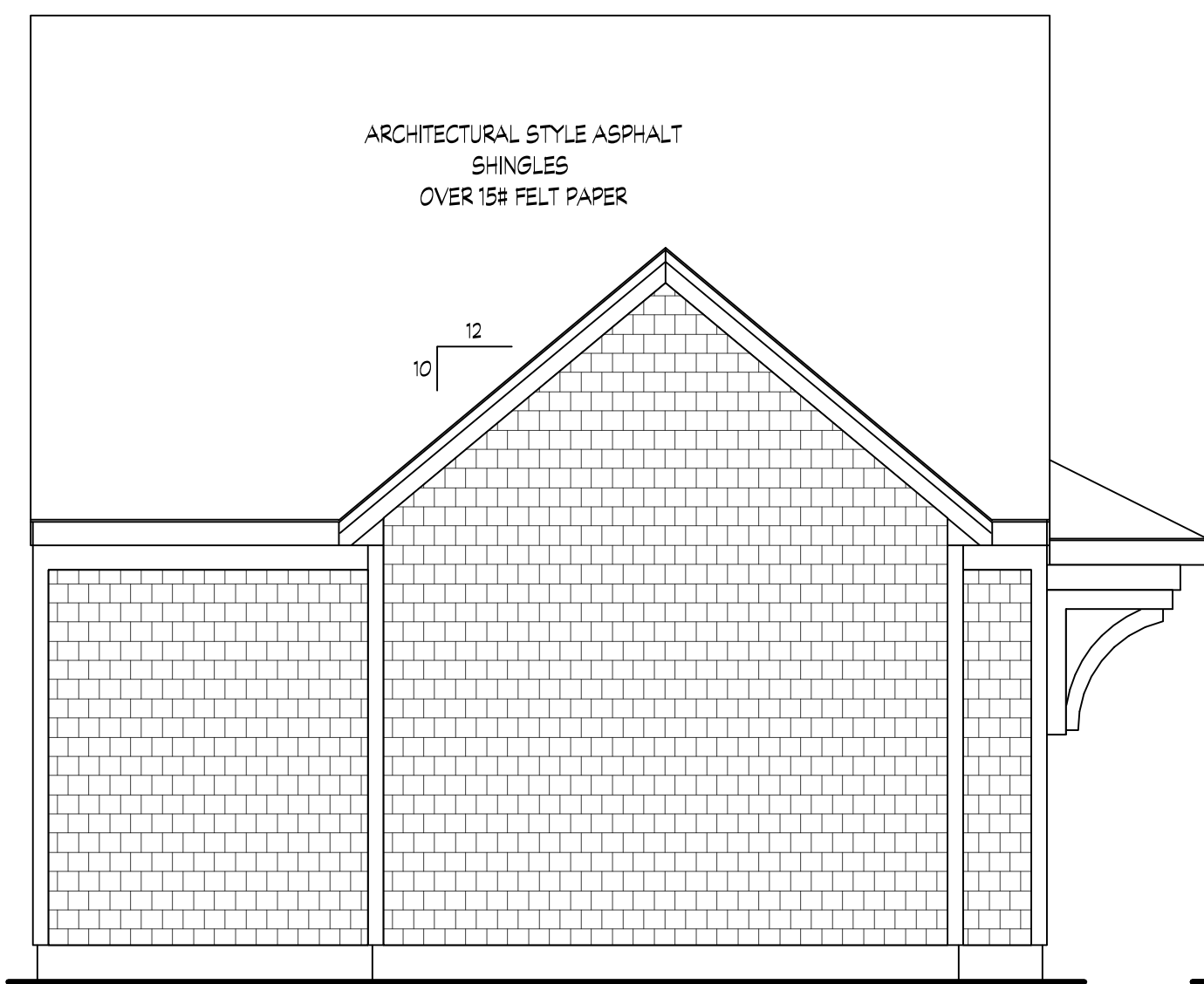
REAR ELEVATION

1/4" = 1'-0"



RIGHT SIDE ELEVATION

1/4" = 1'-0"



LEFT SIDE ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"

PATRIOT BUILDERS, INC.

537 Route 28 - Harwich Port, MA 20646

* Phone (508)-430-0771 * Fax (508)-432-7789

DATE: 1-28-2020

REVISIONS:

139 POINT OF PINES AVE - CENTERVILLE, MA

DETACHED GARAGE - ELEVATIONS

DRAWING NO.

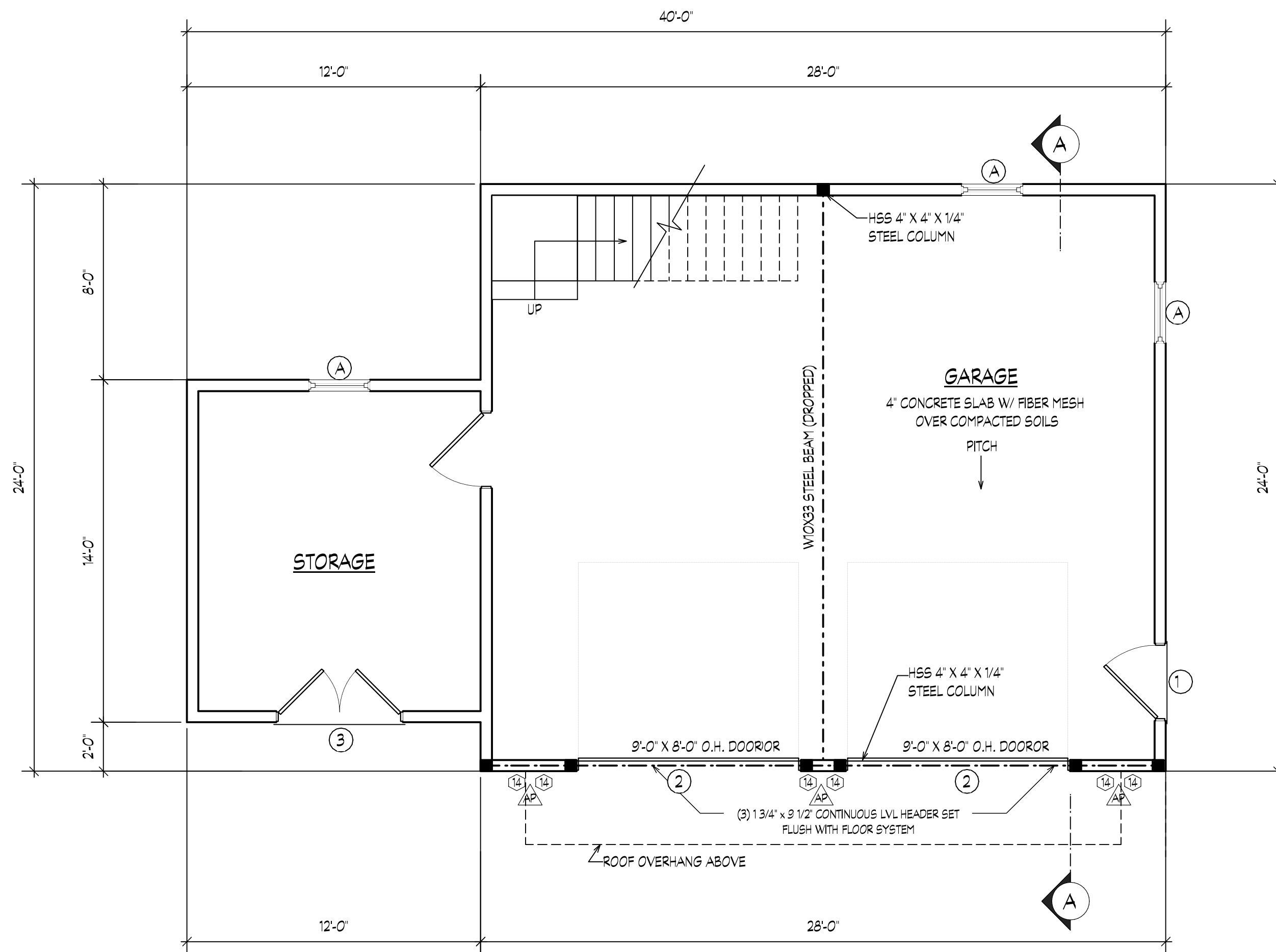
DATE: 1-28-2020

REVISIONS:

139 POINT OF PINES AVE - CENTERVILLE, MA

DETACHED GARAGE - FLOOR PLANS

DRAWING NO.



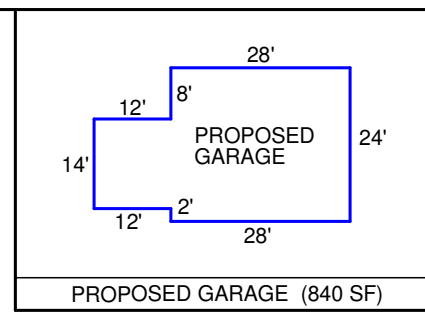
FIRST FLOOR PLAN

1/4" = 1'-0"

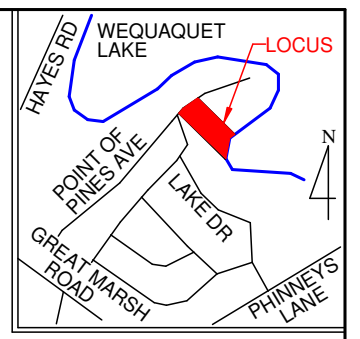
WINDOW & DOOR SCHEDULE				
ID	UNIT	TYPE	ROUGH OPENING	BRAND
A	TW2646	DBL HUNG	2'-8 1/8" X 4'-8 7/8"	ANDERSEN 400 SERIES
1	6 LITE-1 PNL	HINGED FBRGLS	3'-2 1/2" X 6'-10 1/2"	THREMA-TRU
2	OVERHEAD	TBD	9'-0" X 8'-0"	TBD
3	TBD	DOUBLE DOOR	5'-2 1/2" X 6'-10 1/2"	THREMA-TRU



BENCHMARK AT SURVEYOR'S NAIL ELEVATION = 46.97



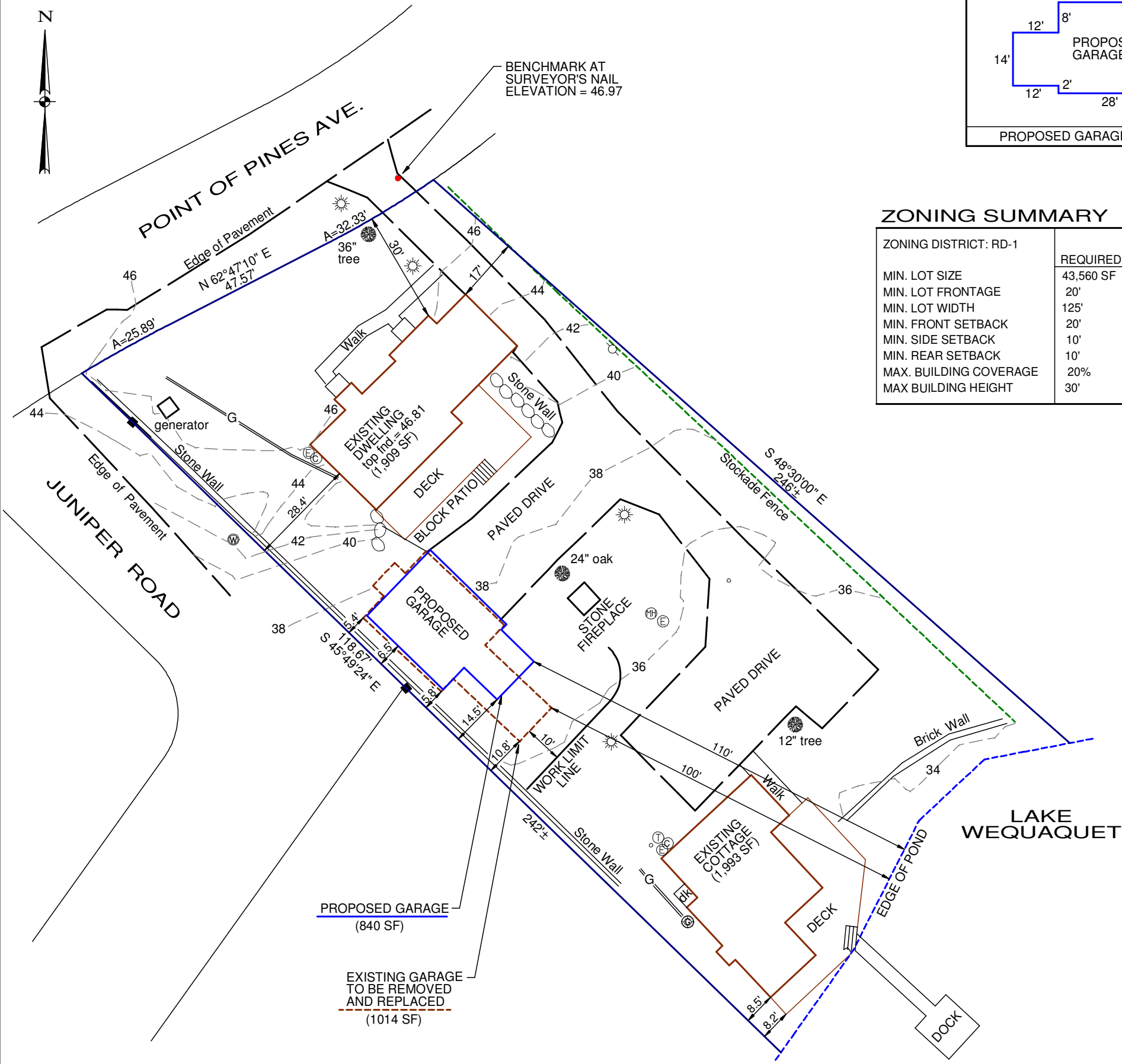
KEY:
 EXISTING CONTOUR: - - - -
 PROPOSED CONTOUR: - · - · - · -
 EXISTING SPOT ELEVATION: 25.5
 PROPOSED SPOT ELEVATION: 25.5
 TEST HOLE: ●
 UTILITY POLE: ○
 FENCE LINE: ———
 HYDRANT: ⊕
 RETAINING WALL: ▩



LOCATION MAP
 PARCEL 73 (24,540 SF)
 ASSESSORS MAP: 230 PARCEL: 73
 PLAN BOOK 104, PAGE 21
 PLAN BOOK: 118, PAGE: 69
 FLOOD ZONE: X

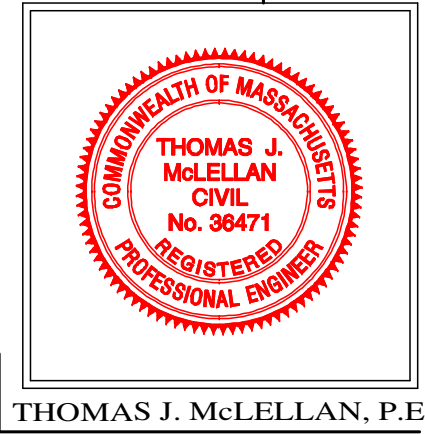
ZONING SUMMARY

ZONING DISTRICT: RD-1	REQUIRED:	EXISTING:	PROPOSED:
MIN. LOT SIZE	43,560 SF	24,540 SF	
MIN. LOT FRONTAGE	20'	224.46'	
MIN. LOT WIDTH	125'	106'	
MIN. FRONT SETBACK	20'	5.4'	6.5'
MIN. SIDE SETBACK	10'	5.8'	6.5'
MIN. REAR SETBACK	10'		
MAX. BUILDING COVERAGE	20%	4,916 (20%)	4,742 (19.3%)
MAX BUILDING HEIGHT	30'	23'	SEE BLD. PLANS



NOTES:

1. VERTICAL DATUM: NAVD88
2. MUNICIPAL WATER IS AVAILABLE.
3. CONTRACTOR TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION.
4. FIELD SURVEY PROVIDED BY TERRY A. WARNER, P.L.S., HARWICH, MA.
5. THIS PLAN REQUIRES THE REVIEW AND APPROVAL OF ONE OR MORE TOWN DEPARTMENTS AND IS SUBJECT TO CHANGE UNTIL SUCH TIME.
6. WORK LIMIT LINE TO BE DOUBLE STAKED COIR LOGS WITH SILT FENCE. LINE TO BE SET PRIOR TO CONSTRUCTION.
7. OWNER OF RECORD:
 JOAN E. THALER REVOCABLE TRUST, 5 BETH LEE DR., GRAFTON, MA.
 DEED BOOK 31452, PAGE 37.



SITE PLAN

LOCATION:
139 POINT OF PINES AVE., CENTERVILLE, MA

PREPARED FOR:
PATRIOT BUILDERS

DATE: 3-13-20 SCALE: 1" = 30'

BASS RIVER ENGINEERING

P.O. BOX 1163, EAST DENNIS, MA 02641
 508-364-9048

Law Office of Singer & Singer, LLC

26 Upper County Road
P. O. Box 67
Dennisport, Massachusetts 02639

Andrew L. Singer
Marian S. Rose

Tel: (508) 398-2221
Fax: (508) 398-1568
www.singer-law.com

Myer R. Singer
Of Counsel

Barnstable Board of Appeals

139 Point of Pines Avenue, Centerville

SUMMARY OF REASONING

Joan E. Thaler [the “Applicant”] is the owner of the property located at 139 Point of Pines Avenue, Centerville [“Property”]. The Applicant is seeking permission to raze and replace a garage which was previously permitted by a variance issued by the Town in 1956. The Property is an undersized (24,540 square feet) lot in the RD-1 zoning district and is improved with a single-family dwelling, a cottage and a garage. The rear lot line borders Lake Wequaquet. The proposed garage will be both smaller in square footage (1,014 square feet existing, 840 square feet proposed) and further away (5.4’ feet existing, 6.5’ feet proposed) from the Jupiter Road frontage/side setback than the existing garage. Existing lot coverage is twenty percent (4,916 square feet) and overall lot coverage will decrease to 19.3 percent (4,742 square feet).

In order to complete the redevelopment, the Applicant is seeking a Variance from the Board of Appeals in accordance with Sections 240-125 (B) (1) (C) and 240-11(E) of the Zoning Ordinance of the Town of Barnstable [“Zoning Ordinance”] and M.G.L. Chapter 40A, Section 10. The Board is authorized to grant such a variance upon making findings that 1) circumstances relating to the soil conditions, shape or topography specially affect the land and/or structures in question but do not generally affect the zoning district in which it is located; 2) a literal

enforcement of the provisions of the Ordinance would incur substantial hardship, financial or otherwise; 3) desirable relief may be granted without substantial detriment to the public's good and 4) desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance.

The existing garage is over nearly seventy years old and was built subject to a variance issued by the Town in 1956. The relief sought in 1956 is the same sought today- namely to build within the side setback, albeit slightly further away from the property line. The topographical conditions that existed 1956 to grant a variance for the construction of the existing garage remain the same today. The Applicant respectfully submits that the proposal meets all of the stated criteria for the requested relief as shown below:

- 1. The Property's unique topographical and soil condition features prevent the owner from relocating the garage.** Here, the lot is pitched steeply down from the road elevation to Lake Wequaquet in the rear. The elevation decreases by more than twelve feet from the front lot grade to the rear grade on Lake Wequaquet. The main house is built upon a high bank in the north-east part of the property. The southeasterly third of the property bordering the Lake is subject to flooding and is within a wetlands buffer zone. Placing the garage towards the center of the lot would interfere with the septic system located there and the drainage for the rest of the property. Moving the garage site towards Lake Wequaquet would place the garage in an area subject to poor drainage and flooding. These issues are unique to this property and are not generally applicable to the zoning district.
- 2. A literal enforcement of the provisions of this Ordinance would involve substantial hardship, financial or otherwise,** Relocating the garage would create

substantial financial and practical hardship for the Applicant. The septic system, utility lines, stone fireplace, driveways and parking areas would be impacted. In addition, an attractive, healthy 24 inch wide oak tree located in the middle section of the Property adjacent to the garage would have to be removed. Renovation of the nearly seventy year old garage rather than razing and replacing the garage would create undue hardship given that the cost to renovate would far exceed new construction.

3. **Granting a variance would not be substantially more detrimental to the neighborhood.** Here, a larger garage has existed in more or less the same footprint as the proposed garage for over seventy years. The proposed garage will be slightly smaller, slightly further away from the set back and no taller than the existing garage. Its impact will be less than or equal to what is currently there but certainly not of greater detriment. For the additional following reasons, the proposed garage is not substantially more detrimental to the neighborhood:

- a. The 1956 variance decision notes the existing garage's location was chosen, in part, so as not to interrupt the sight lines of neighbors. The proposed replacement garage will be built nearly entirely within the same footprint and will have no greater impact on neighbor's views.
- b. Lot coverage will remain conforming as not greater than 20% maximum (20% existing, 19.3% proposed).
- c. The pre-existing nonconforming right-side setback will become less nonconforming (5.4 existing, 6.5' proposed).
- d. The building height will remain conforming (23' existing, 26.5' proposed).
- e. The project has been reviewed by the Conservation Agent who has no additional concerns other than establishing a work limit as shown on the Plan.

- f. The proposal is in keeping with and is compatible with the character of the neighborhood.
- g. There will be no change in or negative impact to existing traffic flow.
- h. Utilities will not change.
- i. No negative change is anticipated in artificial light, noise, litter, and odor.
- j. The proposal will not create any nuisance, hazard or congestion or any harm to the neighborhood.

4. **Desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of this Ordinance.** Given that the larger yet similar garage in a nearly identical location has existed for so long as previously approved, a grant of a variance by this Board would be supportive of and not derogatory to the current Ordinance.

For the above reasons, the Applicant respectfully requests that the Board make findings that the proposal satisfies the provisions of the Zoning Ordinance and grant the request for a variance to allow the proposal to be completed as shown on the plans.



Town of Barnstable
 Planning and Development Department
 Elizabeth Jenkins, Director
 Staff Report

**Modify Variance No. 1956-26 – Thaler
 Or a new Variance
 240-125 (B) (1) (c) – General Powers, Variances
 240-11 (E) Bulk Regulations**

To allow the Petitioner to remove garage built pursuant to Variance No. 1956-26 and replace with smaller, less nonconforming garage

Date: May 13, 2020
To: Zoning Board of Appeals
From: Anna Brigham, Principal Planner
Petitioner **Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust
 5 Beth Lee Drive, Grafton MA 01519**
Property Address: 139 Point of Pines Avenue, Centerville, MA
Assessor's Map/Parcel: 230/073
Zoning: Residence D-1 (RD-1)

Filed: April 21, 2020

Hearing: May 27, 2020

Decision Due: July 30, 2020

Copy of Public Notice

Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust, has petitioned for a Modification of Variance No. 1956-26 or a new Variance pursuant to pursuant to Section 240-125(B)(1)(c) of the Town of Barnstable Zoning Ordinance in order to demolish and rebuild a smaller, detached garage. Variance No. 1956-26 was granted in order to construct a 2-car garage and shed approximately 3 feet from the southwesterly side yard setback. The proposed garage will be placed approximately, at its closest, 5.4 feet where ten (10) feet side yard setback is required by Section 240-11(E) in the Residence D-1 Zoning District in which the subject property is located. The subject property is located at 139 Point of Pines Avenue, Centerville, MA as shown on Assessor's Map 230 as Parcel 073.

Background

The subject property is a 0.56 acre lot on Wequaquet Lake with frontage on Point of Pines Avenue and Juniper Road. The property is improved with two single family dwellings built in 1953. There is also a detached garage/she and an accessory ramp and landing.

Building 1 contains 1,873 square feet of living area (4,125 gross) and 3 bedrooms. Building No. 2 contains 1,252 square feet of living area (gross 2,128) and 2 bedrooms.

Previous Board actions:

-) Variance No. 1956-26 was a variance to allow the construction of a two-car garage and shed within three feet of the side yard setback.
-) Special Permit No. 1975-70 allowed the expansion of a preexisting nonconforming use to allow the expansion of the dwelling nearest to the water.
-) Special Permit No. 2015-032 allowed the expansion of the dwelling.

Proposal & Relief Requested

Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust, has petitioned for a Modification of Variance No. 1956-26 or a new Variance pursuant to Section 240-125(B)(1)(c) of the Town of Barnstable Zoning Ordinance in order to demolish and rebuild a smaller, detached garage. Variance No. 1956-26 was granted in order to construct a 2-car garage and shed approximately 3 feet from the southwesterly side yard setback. The proposed garage will be placed approximately, at its closest, 5.4 feet where ten (10) feet side yard setback is required by Section 240-11(E) in the Residence D-1 Zoning District in which the subject property is located. The subject property is located at 139 Point of Pines Avenue, Centerville, MA.

Variance Findings

The statutory requirement of MGL Chapter 40A, Section 10 for granting a variance is a three-prong test. The Board is required to find that each of the following three requirements has been met in order to consider granting the variance:

- owing to circumstances related to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located;
- a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to the petitioner; and
- desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

An application for a variance that has met all three requirements “does not confer ... any legal right to a variance.” The Board still has the discretionary power to grant or not to grant the variance.

Suggested Variance Conditions

Should the Board find to grant Variance No. 2020-021 to allow the removal of the preexisting nonconforming garage and replace with a smaller, less nonconforming garage at 139 Point of Pines Avenue, Centerville, it may wish to consider the following conditions:

1. Variance No. 2020-021 is granted to Joan E. Thaler, Trustee of the Joan E. Thaler Revocable Trust to remove the garage built pursuant to Variance No. 1956-26 and replace with a smaller less nonconforming garage at 139 Point of Pines Avenue, Centerville, MA.
2. The site development shall be constructed in substantial conformance with the site plan entitled “Site Plan” dated March 13, 2020 prepared for Patriot Builders by Bass River Engineering.
3. The proposed development shall represent full build-out of the lot. Further development of the lot or construction of additional accessory structures is prohibited without prior approval from the Board.
4. All mechanical equipment associated with the dwelling (air conditioners, electric generators, etc.) shall be screened from neighboring homes and the public right-of-way.
5. This decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to issuance of a building permit. The rights authorized by this Variance must be exercised within one year, unless extended.

Copies: Petitioner (c/o Attorney Rose)
Attachments: Application
 Aerial Photo

Town of Barnstable Planning and Development Department Staff Report
Variance 2020-021 – Thaler

Building and Site Plans
Assessor's Record
Copy of Variance No. 1956-26, Special Permit No. 1975-70, and Special Permit No. 2015-032
Attorney Rose Summary of Reasoning