

Town of Barnstable

Zoning Board of Appeals

www.town.barnstable.ma.us/ZoningBoard

Board Members:

Brian Florence – Chair Alex Rodolakis – Vice Chair George Zevitas - Clerk
David A. Hirsch – Associate Member Herbert Bodensiek – Associate Member Robin Young – Associate Member Matthew Levesque – Associate Member
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Regulatory Design/Review Planner - elizabeth.jenkins@town.barnstable.ma.us
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Minutes

Wednesday, February 24, 2016

Hearing Room – 2nd Floor – 367 Main Street, Hyannis, MA

Brian Florence - Chair	Present
Alex Rodolakis - Vice Chair	Present
George Zevitas - Clerk	Absent
David Hirsch	Present
Herbert Bodensiek	Absent
Robin Young	Absent
Matthew Levesque	Present

Also present were Elizabeth Jenkins – Regulatory Design/Review Planner and Carol Puckett – Administrative Assistant.

As a quorum has been met, Brian Florence opens the hearing at 7:08PM

Call to Order

Introduction of Board Members- *All members present introduce themselves.*

Brian reads the following with no response:

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.

Brian Florence reads the following into the record:

New Business

7:00 PM Appeal No. 2016-009

Harden

Charles Harden has applied for a transfer of Special Permit No. 1999-130 to permit a family apartment pursuant to Section 240.47.1(A). The applicant is requesting to transfer the permit to allow the use of an attached family apartment in excess of 800 square feet. The property is located at 276 Old Jail Lane, Barnstable, MA as shown on Assessor's Map 278 as parcel 049-001. It is located in the Residence G Zoning District.

Members assigned: Brian Florence, Alex Rodolakis, David Hirsch, Matthew Levesque

Representative: Charles Harden and Jean Greer, his mother-in-law, is here also. He states that the permit was originally issued to the previous owner but would like to transfer to him as his mother-in-law will be living there. Brian Florence asks if he has seen the staff report and if he understands the conditions. Mr. Harden states that he has read the report and is in agreement with the conditions.

Brian Florence asks if there is anyone from the public who would like to speak either in favor or in opposition. No one speaks.

Matt Levesque makes findings:

Special Permit Findings

- The application falls within a category specifically excepted in the ordinance for a grant of a special permit: Section 240-47.1(A)(1) of the Zoning Ordinance allows for a family apartment greater than 800 square feet, not to exceed 1,200 square feet, with a Special Permit from the Zoning Board of Appeals.
- Site Plan Review is not required for single-family residential structures or family apartments.
- 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.

Vote:

All in favor

Motion is made by Matt Levesque to grant the relief being sought with the following conditions:

Conditions

1. Special Permit No. 2016-009 is granted to Charles Harden to authorize an existing family apartment of approximately 1,100 square feet at 276 Old Jail Lane, Barnstable.
2. The family apartment shall be a one bedroom unit and shall not be expanded without further relief from this Board.
3. The family apartment shall be maintained in compliance with the requirements of §240-47.1.
4. There shall be no renting of rooms or lodging permitted on the property during the life of this permit.
5. 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 of the family apartment shall be terminated and this permit shall become null and void. The applicant or property owner shall be responsible for the removal of the kitchen, unless the unit is properly permitted under the Accessory Affordable Apartment Program.
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 issuance of a Certificate of Occupancy for the family apartment. The rights authorized by this special permit must be exercised within two years, unless extended.

Seconded by David Hirsch

Vote:

All in favor

GRANTED WITH CONDITIONS

At 7:13, Brian Florence reads the following into the record:

7:01 PM Appeal No. 2016-010

DeCleaning Group, Inc.

DeCleaning Group, Inc., as lessee, has applied for a Special Permit pursuant to Section 240-25(C) Conditional Uses in the Highway Business District. The applicant is proposing to change the use of the property from a fish market to a private laundry and to renovate the premises and install commercial laundry equipment. The property is located at 406 West Main Street, Hyannis, MA as shown on Assessor's Map 269 as Parcel 181; accessory uses are located on 12 LaFrance Avenue, Hyannis as shown on Assessor's Map 269 as Parcel 050. It is in the Highway Business (HB) and the Wellhead Protection Overlay Zoning Districts.

Members assigned: Brian Florence, Alex Rodolakis, David Hirsch, Matthew Levesque

Representative Attorney John Kenney is here representing the owner, Geraldo Baracho. Attorney Kenney gives a summary of relief being requested. He states that in the memo he previously submitted there is an aerial photo and directs the board members to that exhibit (Exhibit A). He states that the subject building is the site of the previous Cape Fish and Lobster. These two properties are owned by the same owner under two different trusts. He states that the applicant will not be using any portion of the infrastructure. His client will put a wider glass door and shingle the left side and back of the building, repainting and re-landscape and some improvements that are not in his memo. It has been through Site Plan Review and approved. This will be an allowed use in the district. It is also in the well head protection district. Intended to be private laundry service and will not be open to the public. The applicant will install 6 commercial washer and dryers and two folding pressing machines. Hours of operation will be from 8:00 am to 9:00 pm, 7 days a week. There will be 3 to 4 employees. Most of the year, it will be 2 employees in the morning and 3 in the afternoon. However, in the peak season there will be 3 employees in the morning and

4 in the afternoon. One box truck will be picking up and dropping off laundry equaling 3 trips per day in the busy season. As for cleaning products, they will be using small quantities of 3 products. The safety data sheets have been submitted because the property is located in the well head protection overlay district and was reviewed at Site Plan Review. He states that the Building Commissioner, Tom Perry, has reviewed the data sheet and was satisfied. As for parking, they will not be using all the spaces and the only traffic will be from the employees and the delivery truck. They will accept a condition to remove some of the sidewalk in the front the building, install grass and perhaps a split rail fence. He states that Elizabeth Jenkins had also proposed an additional condition about hazardous materials monitoring which they are agreeable to. He states that the applicant would like to store 2 of each of the 3 products.

Alex Rodolakis asks about signage. Attorney Kenney clarifies with the applicant and states that there will be no signage. Alex Rodolakis asks about a designated trash enclosure. The applicant states that the dumpster will be in the same fenced-in area and will meet Board of Health requirements for dumpster screening.

Attorney Kenney states that the front door will be used and can put down fieldstone. Employees will be coming in on the LaFrance Avenue side. Hours will be 8 am to 9 pm, 7 days a week. Kenney and applicant concur. Applicant will be fixing the outside first and then he will fix the inside. They discuss landscaping.

Brian Florence confirms that 30 gallons is the maximum of product that will be on site.

David Hirsch makes findings:

Special Permit Findings

1. In Application No. 2016-010, De Cleaning Group, Inc. has requested a Conditional Use Special Permit for a private commercial laundry at 406 West Main Street, with accessory parking and loading located on a leased portion of 12 LaFrance Avenue, Hyannis.
2. Section 240-25(C)(1) of the Zoning Ordinance allows any use permitted in the B District with a Conditional Use Special Permit. A private laundry would be permitted in the HB District with a special permit from this Board.
3. The proposed use and plan received Site Plan Approval, as evidence by the letter dated November 24, 2016.
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.
5. The proposed use of the property will not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community.
6. The proposed commercial use and reuse of the existing building are consistent with the Local Comprehensive Plan, which designates the area for commercial infill and redevelopment.

Vote:

All in favor

Motion is made by David Hirsch to grant the relief being sought with the conditions as outlined in the staff report dated January 18, 2016 and herein with an additional condition that the applicant will obtain hazardous materials storage permits from the Board of Health and shall comply with all hazardous waste material monitoring requirements. Also, that the hours of operation will be 8:00 am to 9:00 pm, 7 days a week and another condition that the pavement in the front of the building shall be removed and replaced with an impervious landscape material and a fence to discourage people from driving on the newly landscaped area.

Conditions

1. Special Permit No. 2016-010 is granted to De Cleaning Group, Inc. to allow a private, commercial laundry in the existing building at 406 West Main Street, with accessory parking and loading in the leased area located at 12 LaFrance Avenue, Hyannis.
2. The property shall be improved and maintained in substantial conformance with the plan entitled "Site Plan – 406 West Main Street, Hyannis, MA" dated September 27, 2015, drawn and stamped by Baxter Nye Engineering and Surveying.
3. There shall be no expansion of the building without prior approval from the Board.
4. The laundry shall not be open to the public.
5. Use of the parking area in front of the building, along West Main Street, is prohibited.

6. As this property is located in a Wellhead Protection Overlay District, the generation, treatment, storage or disposal of hazardous materials or waste in quantities that exceed those allowed by the ordinance area prohibited.
7. Use of the property shall not include dry cleaning services.
8. All existing landscaping and landscape screening shall be maintained on the site.
9. There shall be no outdoor storage, including storage in temporary trailers or containers, trucks or storage units, on the site.
10. All dumpsters or trash disposal containers shall be located within the designated trash enclosure.
11. 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 for this special permit to be in effect. The rights authorized by this special permit must be exercised within two years, unless extended by the Board.

Seconded by Matt Levesque

Vote:

All in favor

GRANTED WITH CONDITIONS

Adjournment

Motion is made by Matt Levesque and seconded by David Hirsch to adjourn

Vote:

All in favor

Next Regularly Scheduled Hearing Dates for March & April, 2016:

March 9, 2016 & March 23, 2016

April 13, 2016 & April 27, 2016

Exhibits

2016-011 – DeCleaning Group, LLC.

- Exhibit A = Memo from John Kenney, Esq., dated 02-24-16 – See ZBA file

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