



Town of Barnstable Zoning Board of Appeals



Board Members:

Alex Rodolakis – Chair David Hirsch – Vice Chair Herbert Bodensiek - Clerk
Jacob Dewey – Regular Member Paul Pinard – Regular Member
Todd Walantis – Associate Member Mark Hansen – Associate Member Robert Twiss – Associate Member
James Tinsley – Town Council Liaison

Staff Support

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

Minutes

Wednesday, June 26, 2019

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

Alex Rodolakis - Chair	Present
David Hirsch – Vice Chair	Present
Herbert Bodensiek – Clerk	Present
Jacob Dewey – Regular Member	Present
Paul Pinard – Regular Member	Present
Todd Walantis – Associate Member	Absent
Mark Hansen – Associate Member	Present
Robert Twiss – Associate Member	Present
Vacant	

Also present were Anna Brigham – Principal Planner and Carol Puckett – Administrative Assistant

As a quorum has been met, Alex Rodolakis opens the hearing at 7:00 PM

Call to Order

Introduction of Board Members – *All members present introduce themselves*

Alex reads the following with no response:

Notice of Recording

Please note that this meeting is recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Alex reads the following into the record:

Comprehensive Permits

7:00 PM

Comprehensive Permit 2016-025

Habitat for Humanity of Cape Cod

Correspondence received May 29, 2019, Habitat for Humanity of Cape Cod has requested action on Form M (Certificate of Completion) for the closeout of the Subdivision Plan of Land and for action on Form O (Release of Performance Security) agreement which was held in escrow in the amount of \$20,450 for property located at 68 Dickinson Drive, Barnstable, MA (formerly 536 River Road) Map: 061 Parcels:002-001, 002-002, 002-003, 002-004, 002-005, 002-006, and 002-007.

Elizabeth Wade from Habitat for Humanity is here tonight.

Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard

Ms. Wade explains that they were here back in April, had issues with drainage which their engineer rectified with the Town Engineer, have moved forward and is being completed. She alludes to the pictures (Exhibit A) they are pleased with the outcome.

Alex clarifies that the road and utilities are done. Wade explains that those are complete but that the drainage was the issue.

Alex asks for public comment. No one speaks

Release of Securities

A motion is made by Alex Rodolakis and seconded by David Hirsch to authorize the release of all securities being held for the completion of the Habitat for Humanity, River Road/Dickinson Drive subdivision authorized by Comprehensive Permit No. 2016-025.

Vote:

All in favor

Certificate of Completion

For the certificate of completion, Alex Rodolakis makes a finding that the construction of the way and the installation of the utilities in the subdivision have been satisfactorily completed in accordance with the subdivision rules and regulations Comprehensive Permit No. 2016-025. Based on that finding, Alex Rodolakis makes a motion that pursuant to Section 81U of Chapter 41 Massachusetts General Law, the Town of Barnstable municipal corporation acting through this zoning board in accordance with MGL Chapter 40B, declares that Habitat for Humanity, River Road/Dickinson Drive subdivision to be complete.

Vote:

All in favor

Alex reads the Ferrill appeal into the record:

Old Business

7:00PM

Appeal No. 2019-033

Ferrill

Forrest and Linda K. Ferrill, II, are appealing a decision from an Administrative Official which was a denial of a building permit. The Building Commissioner has denied the issuance of a building permit in reference to Section 240-43 citing that the request for the 40 foot by 60 foot metal pole barn is not customary or incidental to a single-family dwelling and that the structure becomes predominant and thus the principal use. The subject property is located at 34 Cammett Road, Marstons Mills, MA as shown on Assessor's Map 079 as Parcel 020. It is located in the Residence F (RF) Zoning District.

Continued from June 12, 2019, Members assigned are David Hirsch, Herbert Bodensiek, Jacob Dewey, Paul Pinard and Mark Hansen

Members assigned: David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard, Mark Hansen

Alex informs the applicant and his attorney, that they are waiting for the Zoning Enforcement Officer and asks if they would be agreeable to tabling this until after the next application is heard. They agree.

Alex reads the following into the record:

New Business

7:01 PM

Appeal No. 2019-034

Tardanico

Charles Tardanico, Trustee of the Construction Associates Realty Trust, has petitioned for a Variance in accordance with Section 240-91.H(1)(b)[1] – Developed Lot Protection, Demolition and Rebuilding on Nonconforming Lot. The Petitioner is requesting relief from the maximum 20% lot coverage in order to construct a 16 foot by 36 foot pool resulting in a lot coverage of 21.6%. The property is located at 158 Parker Road, Osterville, MA as shown on Assessor's Map 116 as Parcel 037. It is located in the Residence C Zoning District.

By a letter dated 06-26-19, Alex states that a letter has been received by the applicant's attorney, Michael Schulz, asking for a continuance due to a schedule conflict. Attorney Schulz is requesting that this be continued to July 10, 2019 at 7:00 PM.

Motion to continue this to July 10, 2019 at 7:01 PM is made by Mark Hansen and seconded by Jake Dewey.

Vote:

All in favor

CONTINUED TO JULY 10, 2019 AT 7:01 PM.

A member of the public, Deborah Classen from Parker Road tells the Chair that she was here representing three owners on 140 Parker Road and one on West Bay. Alex explains that this has been continued and will not be accepting any public testimony this evening.

Alex reads the following into the record:

7:02 PM

Appeal No. 2019-035

Kuntz

Mr. William Kuntz, III filed a handwritten "notice of appeal" and subsequent letter seeking to appeal the denial of a request for enforcement issued by the Building Commissioner on April 11, 2019. Mr. Kuntz sought enforcement action against the FedEx Office at 297 North Street, Page 2 of 3

Hyannis MA, on the basis that the use and services provided are not in compliance with zoning. The property in question is located at 297 North Street, Hyannis, MA as shown on Assessor's Map 308 as Parcel 044. It is zoned OM Office-Multi-Family Residential District.

Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard

Alex asks if there is anyone here representing the appellant or if the appellant is present. No one responds. He explains that staff has sent several certified letters and has not been contacted nor received any communication from the appellant. Therefore, having an opportunity for a hearing, Alex Rodolakis makes a motion to deny this appeal. Seconded by David Hirsch.

Vote:

All in favor

DENIED

Alex recalls the Ferrill appeal.

Members assigned: Alex Rodolakis, David Hirsch, Herb Bodensiek, Jake Dewey, Paul Pinard

Jake Dewey asks if there is a site plan available from the applicant. Members look at materials submitted this afternoon (Exhibit A).

Anna Brigham informs the applicant the Attorney McMahon that the Building Commissioner – Brian Florence is unable to make it tonight.

Alex Rodolakis reads a letter from Rodolfo Betancourt at 30 Cammet Road, Marstons Mills, MA, Mr. Ferrill's neighbor (Exhibit B).

Paul Pinard clarifies with Mr. Ferrill as to where, on the plan, the proposed structure will be located.

David Hirsch asks the applicant as to how many abutters can see his house and garage currently and if there are other structures in the neighborhood similar to what is proposed. Mr. Ferrill states that there are two abutters which he has had conversations with who are not concerned about the structure and that there are similar structures in the neighborhood.

Mark Hansen asks if there any plans to run a business out of this property now or in the future. Mr. Ferrill answers no.

Mark Hansen is concerned about the lack of information from the Building Commissioner as to why no alternative structures were discussed. Mark, Jake and Paul don't think they can vote on this without hearing from the Building Commissioner on the details of the denial.

Alex Rodolakis suggests another continuance in order to get input from the Building Commissioner.

Motion is made by David Hirsch and seconded by Paul Pinard to continue this to July 10, 2019 at 7:00 PM in order to get input from the Building Commissioner and have him in attendance.

Vote:

All in favor

CONTINUED TO JULY 10, 2019 AT 7:00 PM

Correspondence

Matters Not Reasonably Anticipated by the Chair

Upcoming Meetings

July 10, July 24, August 7, August 21

Adjournment

Motion is made by Herb Bodensiek and seconded by David Hirsch to adjourn

Vote:

All in favor