

**Zoning Board of Appeals
MINUTES
Wednesday, October 12, 2022
7:00 PM**

Chair Jacob Dewey calls the meeting to order at 7:00 PM and takes roll call:

Member	Present	Absent
Dewey, Jacob – Chair	X	
Bodensiek, Herbert – Clerk		X
Hansen, Mark	X	
Pinard, Paul	X	
Walantis, Todd		X
Johnson, Denise		X
Webb, Aaron	X	

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. *No response.*

Minutes

September 14, 2022 - Paul Pinard makes a motion to approve. Mark Hansen seconds.

Vote:

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Old Business

7:00 PM

Appeal No. 2022-029

Leveroni

Maureen Leveroni has applied for a Special Permit pursuant to Section 240.91 (H) (3) Nonconforming Lot and requests a finding under M.G.L. Chapter 40A Section 6 regarding compliance with floor area ratio. The Applicant proposes to demolish two existing single story structures and replace the structures with one, two story structure on the same or smaller footprint. The subject property is located at 14 Beale Way, Barnstable, MA as shown on Assessor's Map 279 Parcel 014. It is located in Residence F-1 (RF-1) Zoning District. Continued from June 8, 2022, and July 13, 2022, August 24, 2022.

The Board received a request to continue this to December 7, 2022. Mark Hansen makes a motion to continue. Paul Pinard seconds.

Vote:

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Special Permit 2022-029 Leveroni is continued to December 7, 2022 at 7:00 PM.

7:01 PM

Appeal No. 2022-039 READVERTISED

157 Thornton Drive LLC

157 Thornton Drive LLC has applied for a Special Permit pursuant to Section 240-93 B. Expansion of a preexisting nonconforming structure and to Section 240-57 Reduction in Parking. The Applicant seeks to construct an approximately 2,002 square foot storage addition to the southern end of the existing building. The existing structure is nonconforming to numerous dimensional, parking, and screening requirements and the proposed expansion will

also be nonconforming to dimensional, parking, and screening requirements. The subject property is located at 157 Thornton Drive, Hyannis, MA as shown on Assessor's Map 296 as Parcel 019. It is located in the Industrial (IND) Zoning District. Continued from September 14, 2022

The Board received a request to continue this to November 9, 2022. Paul Pinard makes a motion to continue. Mark Hansen seconds.

Vote:

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Special Permit 2022-039 157 Thornton Drive LLC is continued to November 9, 2022 at 7:02 PM.

7:02 PM

Appeal No. 2022-040 READVERTISED

157 Thornton Drive LLC

157 Thornton Drive LLC has petitioned for a Variance from Section 240-33 E. Rear yard setback, Lot coverage, and Section 240-33 F. Special Screening, Section 240-56 Parking Schedule, and Section 240-57 Reduction of parking. The Applicant seeks to construct an approximately 2,002 square foot storage addition to the southern end of the existing building which will intensify existing nonconforming setback, lot coverage, screening and parking demand. The subject property is located at 157 Thornton Drive, Hyannis, MA as shown on Assessor's Map 296 as Parcel 019. It is located in the Industrial (IND) Zoning District. Continued from September 14, 2022.

The Board received a request to continue this to November 9, 2022. Paul Pinard makes a motion to continue. Mark Hansen seconds.

Vote:

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Variance 2022-040 157 Thornton Drive LLC is continued to November 9, 2022 at 7:03 PM.

New Business

7:03 PM

Appeal No. 2022-050

Cape and Islands Veterans Outreach Center Inc

Cape and Islands Veterans Outreach Center, Inc has applied for a modification of Special Permit No. 1995-163 Condition 6, Special Permit No. 1996-012 Conditions 1 and 2, and Special Permit No. 2013-52 Condition 4, pursuant to Section 240-125 C. (2) Standards for granting a Special Permit. The Applicant seeks to transfer the Special Permit from the current owner, Pitcher's Way LLC, to continue the use of the property as a group home for rehabilitation. The subject property is located at 805 Pitcher's Way, Hyannis, MA as shown on Assessor's Map 271 as Parcel 160. It is located in the Residence C-1 (RC-1) Zoning District.

All present members will be sitting on this. The Chairman informs the applicant that the Board would need a unanimous vote to grant this. The applicant decides to proceed.

Attorney Brian Wall is representing the applicant. He is joined by Jim Seymour, the Executive Director of Cape and Islands Veterans Outreach Center (CIVOC). The applicant is a non-profit 501c3 with an office in Hyannis. The applicant has entered into a purchase and sale to purchase 805 Pitcher's Way, which currently is an 8-bedroom dwelling on .57 acres, and serves as a sober house rehabilitation center. The property can operate as a sober house because of a special permit that was issued in 1995 and has been transferred on two prior occasions (in 1999 and 2013). The applicant is requesting a transfer from the current owner to CIVOC to operate a rehabilitative home for veterans.

Attorney Wall provides the Board with background: the structure was originally constructed in 1985. In 1995 it was already being operated as a lodging house for 8 lodgers, for rehabilitation of those with special needs. At the time, the property was zoned for 6 rooms, thus the property was not in compliance. In order to legitimize the use, the

owner applied for a special permit in 1995. The Board found that the property was preexisting nonconforming as a rehabilitative home, and allowed the modification of that use to allow up to 8 lodgers. The Board attached 7 conditions; the ones that are relevant to this hearing are that the house must have a set of rules, must have an onsite contact person, and the special permit cannot be transferred without prior ZBA approval.

Mr. Seymour addresses the Board to explain how their program fits within the special permit. CIVOC has been serving veterans since 1983. Their mission is to provide comprehensive, life-sustaining services to veterans and their families. Their services empower veterans to achieve lasting reintegration in the community. They are governed by a board of 23 members, most of whom are veterans and all of whom are property owners in Barnstable County. Their top priorities are addressing housing issues, homelessness, food insecurity, and counseling needs. Their residents have to pass background checks and have high expectations placed on them. The goal is to transition residents to an attainable goal: apartment, home, etc. It is strict living—it is a sober house, there are no weapons, they have regular check-ins with their case manager. They currently operate a house in Dennis (for almost 2 years now) and they have had no incidents or encounters with police. They have had great success and have the support of the Dennis police.

Attorney Wall says this is going to be a rehabilitative program so fits within the special permit. When a veteran gets into this program, they meet with a case manager and are given a special program that is unique to them. Part of the idea of transitional housing is that it helps residents learn independence and become self-sufficient. Because of this, there is no onsite staff member because that would contradict that methodology. It is not a shelter, and having an onsite supervisor would hinder the residents growing to manage their independence. He asks that Conditions 1 and 2 of the existing permit be modified to reflect that onsite change and to include that house rules are already set.

Jake Dewey asks why this doesn't fall under the Dover Amendment. Attorney Wall thought the safest route was to apply for a transfer of existing special permits because of the affirmative conditions requiring zoning approval.

Mark Hansen asks for clarification that a contact will be available 24/7, they just won't be onsite. Attorney Wall confirms. Paul Pinard asks where their funding comes from. Mr. Seymour explains that they are taking a mortgage out against the building, and will do additional fundraising and applying for grants. Attorney Wall adds that veterans who join receive a voucher from Barnstable Housing Authority to supplement their rents depending on their income.

Jake Dewey asks what the selection process is for residents. Mr. Seymour says it first and foremost is need based. Often people just show up on the doorstep needing help and they have many different avenues through which they can help veterans in varying types and stages of crisis. If they become a candidate for housing, it's on a first-come first-served basis. They haven't had a waiting list yet for transitional housing.

Jake Dewey opens public comment. None. Jake Dewey makes a motion to close public comment. Aaron Webb seconds.

Vote:

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Jacob Dewey opens it up to the Board for questions.

The Board discusses the best way to modify the conditions to reflect the applicant's requests. Jake Dewey expresses concern that the police and fire departments are stretched extremely thin, so CIVOC having their own dedicated contact person available for residents 24/7 and within a reasonable radius is important. Mr. Seymour reassures that there will be a nearby contact person; in their Dennis location they have never had a call for emergency service.

Paul Pinard makes findings:

1. In Appeal No. 2022-050, Cape and Islands Veterans Outreach Center, Inc is requesting the transfer of Special Permit No's 1995-163 and No. 1999-12 and No. 2013-052, issued for the operation of a preexisting nonconforming use, an eight-room single-occupancy lodging house at 805 Pitcher's Way, Hyannis.

2. The subject property is shown on Assessor's Map 271 as Parcel 160. It is in a Residential C-1 zoning district. The property is serviced by Town water and a private septic system.
3. Cape and Islands Veterans Outreach Center, Inc is under agreement to purchase the property.
4. The lodging house has submitted to and complied with all required inspections and there has been no police activity at the house.
5. The conditions of the existing Special Permits state that the permit "may not be transferred without consent of the Town of Barnstable Zoning Board of Appeals to an activity related to rehabilitation, social service or special needs type ground home use or for a use permitted by the terms of this Special Permit, and in accordance with the terms and conditions set forth herein."
6. 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.
7. The Applicant has demonstrated that the property will be operated in compliance with the conditions of Special Permit No. 1995-163 with the exception of Condition No. 2.

Mark Hansen seconds.

Vote:

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Paul Pinard reads that the appeal is subject to conditions 1-4 on the Staff Report dated September 29, 2022, with an addition to condition 2 that says, "...except as hereinafter modified by condition 5." And an additional condition 5, which says with respect to Special Permit No's 1995-163, 1999-12, and 2013-052, condition 2 should state that a 24-hour contact person shall be required in place of an on premise contact person. Attorney Wall finds the conditions acceptable.

Vote:

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Special Permit 2022-050 Cape and Islands Veterans Outreach Center is granted with conditions.

Correspondence

Matters Not Reasonably Anticipated by the Chair

The Chairman thanks David Hirsch for his 10 years of service on the ZBA and accepts his resignation. The Board decides to push the vote for replacement Vice Chair to the October 26 meeting so all members can be present.

Upcoming Hearings

October 26, 2022, November 9, 2022, December 7, 2022 (all via Zoom)

Adjournment

Paul Pinard makes a motion to adjourn. Mark Hansen seconds.

Vote

Aye: Paul Pinard, Mark Hansen, Jake Dewey, Aaron Webb

Nay: None

Respectfully submitted,
Genna Ziino, Administrative Assistant

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>