



# The Town of Barnstable

## Planning and Development

[www.town.barnstable.ma.us/planninganddevelopment](http://www.town.barnstable.ma.us/planninganddevelopment)

Elizabeth Jenkins, Director

### TOWN OF BARNSTABLE ACCESSORY AFFORDABLE APARTMENT PROGRAM

#### MINUTES

April 27, 2022 – 6:30 pm Zoom

**Present:** Jake Dewey, Hearing Officer - ZBA, Anna Brigham, Principal Planner – Planning & Development.

The Chair read: The Zoning Board of Appeals Public Hearing will be held by remote participation methods. Public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
2. Real-time access to the Zoning Board of Appeals meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Zoning Board of Appeals by utilizing the Zoom link or telephone number and Meeting ID provided below:

Join Zoom Meeting Option	Telephone Number Option
<a href="https://zoom.us/j/91807491352">https://zoom.us/j/91807491352</a>	888 475 4499 US Toll-free
Meeting ID: 918 0749 1352	Meeting ID: 918 0749 1352

3. Applicants, their representatives and individuals required or entitled to appear before the Zoning Board of Appeals may appear remotely, and may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us) so that they may be displayed for remote public access viewing.

Copies of the applications are available for review by calling (508) 862-4682 or emailing [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us).

#### Call to Order

Introduction

#### 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.

#### Minutes

The Chair made a motion to approve the minutes from November 17, 2021.

#### New Business

6:30 PM

Appeal No. 2015-003

Crocker

David W. Crocker applied for and was granted a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the Town of Barnstable. David Crocker no longer wants to participate in the Program and therefore Comprehensive Permit No. 2015-003 must be rescinded. The subject property is addressed as 2110 Main Street, Route 6A, Barnstable, MA as shown on Assessor's Map 237 as Parcel 064. It is zoned Residence F (RF).

The applicant applied for a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the town of Barnstable, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2015-003 was issued to the applicant on January 14, 2015 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Land Court on March 19, 2015 in Book 28747 Page 123.

The Applicant has requested to withdraw from the Program and therefore the Comprehensive Permit No. 2015-003 must be rescinded.

**Procedural & Hearing Summary:**

A public hearing to rescind Comprehensive Permit No. 2015-003 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on April 27, 2022 at which time the Hearing Officer, Jake Dewey, made the following findings and decision:

**Findings of Fact:**

1. The applicant, David W. Crocker, was granted Comprehensive Permit 2015-003 for an accessory affordable apartment at 2110 Main Street, Barnstable, MA on January 14, 2015.
2. The applicant, David W. Crocker, has requested to withdraw from the Program.
3. On March 21, 2022, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2015-003.

**Ordered:**

Comprehensive Permit number 2015-003 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

**6:31 PM Appeal No. 2005-055**

**Tosti**

Ronald A. Tosti applied for and was granted a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the Town of Barnstable. Ronald A. Tosti has requested a rescission of Comprehensive Permit No. 2005-055. The subject property is addressed 141 Highland Avenue, Cotuit, MA as shown on Assessor's Map 021 as Parcel 014-002. It is zoned Residence F (RF).

The applicant applied for a Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts, and in accordance with Article II of Chapter Nine of the Code of the town of Barnstable, more commonly termed the "Accessory Affordable Housing Program."

Comprehensive Permit Number 2005-055 was issued to the applicant on July 27, 2005 and a Regulatory Agreement and Declaration of Restricted Covenants were recorded at the Barnstable Registry of Deeds on September 20, 2005.

The Applicant, Ronald Tosti requested to cancel his participation in the Accessory Affordable Apartment Program and therefore Comprehensive Permit No. 2005-055 must be rescinded.

**Procedural & Hearing Summary:**

A public hearing to rescind Comprehensive Permit No. 2005-055 was duly advertised and notice sent to abutters and the property owner all in accordance with MGL Chapter 40A. The hearing was opened on April 27, 2022 at which time the Hearing Officer, Jacob Dewey, made the following findings and decision:

**Findings of Fact:**

1. The applicant, Ronald A. Tosti, was granted Comprehensive Permit No. 2005-055 for an Accessory Affordable Apartment at 141 Highland Avenue, Cotuit, MA.
2. The applicant, Ronald A. Tosti, has requested to cancel his participation in the Program.

3. On March 21, 2022, the Accessory Apartment Program Coordinator took action to rescind Comprehensive Permit No. 2005-055.

**Ordered:**

Comprehensive Permit No. 2005-055 is rescinded.

A written copy of this decision shall be forwarded to the Zoning Board of Appeal as required by the Town of Barnstable Administrative Code Chapter 241, section 11. If after fourteen (14) days from that transmittal the Members of the Zoning Board of Appeals takes no action to reverse the decision, this decision shall become final and a copy shall be the filed in the office of the Town Clerk.

Appeals of the final decision, if any, shall be made to the Barnstable Superior Court pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision in the office of the Town Clerk. The applicant has the right to appeal this decision as outlined in MGL Chapter 40B, Section 22.

**Correspondence**

None

**Matters Not Reasonably Anticipated by the Chair**

None

**Upcoming Hearings**

None scheduled

**Adjournment**

The Chair adjourned the meeting at 6:40 PM.

DRAFT